

# Agency Sunset Review of the Water Management Districts

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*Prepared for*  
The Florida Senate

*Prepared by*  
Committee on Environmental Preservation and Conservation



## SUMMARY

Water management in Florida involves the unique challenge of balancing competing priorities to provide adequate water supplies for human needs, appropriate flood protection, and sound management of water quality and natural systems. The state's five water management districts along with the Department of Environmental Protection are charged with meeting this challenge and addressing the water resource issues of their various regions of the state.

Pursuant to the Florida Government Accountability Act, (sections 11.901-920, F.S.), most state agencies, including the water management districts, and their respective advisory committees are subject to a "sunset" review process to determine whether they should be retained, modified or abolished.

To accomplish the charge of the statute this report provides a discussion of the overall governance framework of the water management district system, followed by a discussion of each of the six statutorily created programs and their related activities.

The Senate Committee on Environmental Preservation and Conservation is the primary sunset review committee for the Senate's review of the water management districts. The Senate Committee on General Government Appropriations is assisting in this review.

As part of the Sunset Review, staff: reviewed agency submissions to the Legislature as specified in s. 11.906, F.S, and OPPAGA reviews; participated in interviews conducted by staff of the Joint Sunset Review Committee; attended meetings of the Joint Sunset Review Committee; interviewed district staff, local governments, environmental groups, members of the regulated community, and those with long standing familiarity with the districts; and research of various reports and documents.

This report with the following recommendations is issued to assist the committee in fulfilling its obligations under the Sunset Review:

### **Recommendation #1**

The Legislature should continue the water management districts.

### **Recommendation #2**

The Legislature should continue the Land Management Review Teams, the Indian River Lagoon Advisory Council (St. Johns River), the Water Resources Advisory Committee (South Florida), the Agricultural Advisory Committee (Southwest Florida and St. Johns River), and the following advisory committees' within the Southwest Florida district, Public Supply, Industrial Advisory, Green Industry, Environmental Advisory, and Well Drilling.

### **Recommendation #3**

The Legislature should repeal the following advisory councils: Harris Chain of Lakes, Ocklawaha River Basin, Lake Panasoffkee Restoration, and Citrus/Hernando Waterways.

### **Recommendation #4**

The Legislature should continue to have Governing Board members appointed and consider amending current statutes concerning general Governing Board issues to:

- Require that all Governing Board appointments reflect the population demographics of the district.
- Reduce the Southwest Florida Governing Board back to its original configuration of nine members.
- Reduce the number of Governing Boards members from nine to seven for the Northwest Florida and Suwannee River districts.
- Reapportion the current Governing Board for Southwest Florida and South Florida to accurately reflect population shifts in those districts.
- The Legislature should adopt a procedure, modeled after the Public Service Commission Nominating Council, for selecting governing board members.
- Require that the legislatively established statutory ad valorem caps sunset every five years.
- Require the districts budgets to be done on a state fiscal year.
- Require the districts to make budget presentations during the annual Regular Session of the Legislature.
- Require the Governor and Cabinet sitting as the Land and Water Adjudicatory Commission to adopt the districts budgets.
- Provide authority for the Governing Boards to utilize communications technology for conducting their meetings.
- Establish uniform statutory guidelines for the delegation of administrative board decisions to the Executive Director.
- Direct OPPAGA to evaluate and make recommendations on the relative merits and modifications needed to agency performance measures.

#### **Recommendation #5**

The Legislature should retain the Water Resources Planning and Monitoring Program and consider:

- Directing the districts to redesign performance measures for MFLs in order to ensure they more accurately reflect the costs of their establishment.
- Directing the districts to redesign performance measures used to reflect the cost of collecting hydrological data to ensure that all districts are using the same methodology.
- Directing the districts to eliminate the “Other Water Resources Planning and Monitoring Activity” from the budget.

#### **Recommendation #6**

The Legislature should retain the Acquisition, Restoration and Public Works Program and consider:

- Commissioning an interim report or OPPAGA study to determine the potential efficiencies that could be realized by merging certain land acquisition practices among state agencies and the districts.
- Directing the districts to replace the current performance measure with one that provides cost and production information by specific water supply or water resource development project.
- Commissioning an interim report or OPPAGA study to determine the potential for combining the SWIM program and the TMDL program.
- Directing the districts to eliminate the following activities from the budget: “Other Cooperative Projects,” “Facilities Construction and Major Renovations,” and “Other Acquisition and Restoration Activities.”

**Recommendation #7**

The Legislature should retain the Operation and Maintenance of Lands and Works Program and consider:

- Amending the statute that details the permissible uses of lands acquired under Florida Forever or other acquisition efforts to correct an apparent duplication that details their potential use for water resource and water supply development projects.
- Directing the districts to eliminate the “Facilities” activity from the budget.

**Recommendation #8**

The Legislature should retain the Regulation Program and consider:

- Requiring that the issuance of CUPs and ERPs be delegated to the Executive Director.
- Establishing permit fee baselines for CUPs and ERPs.<sup>1</sup>
- Commissioning an interim report or OPPAGA study to determine if efficiencies or financial benefits can be realized by creating a uniform method for the districts to implement the “Water Well Construction, Permitting, and Licensing” activity.
- Amending the statutes to require the delegation of the ERP program to local governments provided certain conditions are satisfied.
- Directing the districts to evaluate and modify the process for tracking permits costs for water well permits.
- Adopting a Joint Resolution to raise the constitutional millage cap for the Northwest Florida district from 0.05 mills to 1.00 mills and implementing legislation to raise the statutory cap to 0.20 mills.
- Amending the Underground Injection Control statutory provisions to conform them to federal law and the state program.

**Recommendation #9**

The Legislature should retain the Outreach and Public Education Program and consider:

- Directing the districts to merge the “Water Resources Education,” “Public Information,” and “Public Relations” activities into a single activity.
- Directing the districts and the DEP to evaluate current outreach efforts to determine if a state wide approach could provide greater efficiency.
- Amending statutes to permit the districts to utilize electronic posting of certain rule development and procurement solicitations.
- Amending statutes to eliminate an existing cap on certain expenditures for promotion, advertisement, and improvement of the programs and objectives of the districts, or clarifying what specific types of expenditures are included under this provision.
- Directing the districts to eliminate the “Other Outreach Activities” activity from the budget.

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<sup>1</sup> During the 2008 Regular Session, CS/CS/SB 1294 (see 2008-150, L.O.F.) contained provisions that directed the DEP to increase fees authorized in Part IV, of Chapter 373, F.S. This part covers the state’s ERP program which is in part delegated to the districts. The legislation provided for establishing a base fee of at least \$250 for individual or general permits. Additionally, the legislation directed that the fees be reviewed every 5 years and adjusted to reflect changes in the consumer price index. This recommendation remains because the legislation only addresses one of the many permitting activities undertaken by the districts.

**Recommendation #10**

The Legislature should retain the District Management and Administration Program.

**Recommendation #11**

The Legislature should consider the following options concerning Basin Boards:

- Repeal the boards and modify the statutes to prohibit them from being established.
- Allow the ex-officio District Governing Board members to vote.
- Merge the Alafia River, Hillsborough River, Northwest Hillsborough, and Pinellas-Anclote River basins.
- Repeal the Green Swamp Basin and the Okeechobee Basin.

## **ACROYNYS**

ACOE	Army Corps of Engineers
ASR	Aquifer Storage and Recovery
CERP	Comprehensive Everglades Restoration
CUP	Consumptive Use Permit
DEP	Department of Environmental Protection
DOT	Department of Transportation
ERP	Environmental Resource Permit
MFL	Minimum Flows and Levels
OPPAGA	Office of Program Policy Analysis and Government Accountability
SWIM	Surface Water Improvement and Management
TMDL	Total Maximum Daily Loads

## BACKGROUND

Sections 11.901-920, F.S., are known as the Florida Government Accountability Act. Under this act, most state agencies and their respective advisory committees are subject to a "sunset" review process to determine whether the agency should be retained, modified or abolished.

Reviews are accomplished in three steps. First, an agency under review must produce a report providing specific information, as enumerated in s. 11.906, F.S., related to:

- Agency performance measures;
- The agency complaint process;
- Public participation in making agency rules and decisions;
- Compliance with state purchasing goals and programs for specified businesses;
- Compliance with statutory objectives for each program and activity;
- Program overlap or duplication with other agencies;
- Less restrictive or alternative methods of service delivery;
- Agency actions to correct deficiencies and implement recommendations of legislative and federal audit entities;
- Potential conflicts of interest of its employees;<sup>2</sup>
- Compliance with public records and public meetings requirements;
- Alternative program delivery options, such as privatization, outsourcing, or insourcing;
- Agency recommendations to improve program operations, reduce costs, or reduce duplication;
- The effect of federal intervention or loss of federal funds if the agency, program, or activity is abolished;
- Agency advisory committees;
- Agency programs or functions that are performed without specific statutory authority; and
- Other information requested by the Legislature.

Upon receipt of the agency information, the Joint Legislative Sunset Committee and the House and Senate committees assigned to act as sunset review committees<sup>3</sup> must review the information submitted and may request studies by the OPPAGA.

Based on the agency submissions, the OPPAGA studies and public input, the Joint Legislative Sunset Committee and the legislative sunset review committees will:

- Make recommendations on the abolition, continuation, or reorganization of each state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees; and

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<sup>2</sup> This provision was deleted by s. 1 of ch. 2007-161, L.O.F., and replaced with a requirement that the agency identify "the process by which an agency actively measures quality and efficiency of services it provides to the public."

<sup>3</sup> Senate Committees include: Agriculture, Commerce, Environmental Preservation and Conservation, and Transportation, together with their respective Appropriations Committee.



- Make recommendations on the consolidation, transfer, or reorganization of programs within state agencies not under review when the programs duplicate functions performed in agencies under review.

In addition, the House and Senate sunset review committees must propose legislation necessary to carry out the committees' recommendations.

An agency subject to review is scheduled to be abolished on June 30 following the date of review as specified in s. 11.905, F.S., provided the Legislature finds that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made to transfer certain duties and obligations to a successor agency. If an agency is not abolished, continued, or reorganized, the agency shall continue to be subject to annual sunset review by the Legislature.

The Senate Environmental Preservation and Conservation Committee is the primary sunset review committee for reviews of the state's five water management districts. The Senate General Government Appropriations Committee is assisting in this review.

## EVALUATION METHOD

Based upon statutory directives and a review of previous sunset reports, staff of the Senate has developed the following guidelines to be used in reviewing the agencies, their programs, and their advisory committees. Guidelines for agency and program review include:

- What is the mission of the agency?
- Why is the agency performing this mission?
- How are the programs of the agency funded?
- What would be the impact to public health, safety and welfare should the programs be eliminated or modified?
- What duplication of programs exists within the agency or by other agencies or governments?
- Can these agency programs be provided more efficiently?
- Are there management tools in place to appropriately measure program performance?

Guidelines for review of Agency Advisory Councils and Committees include:

- Was the agency advisory committee created to resolve a problem or provide a service? If so, has the problem been solved or the service provided?
- Would there be an adverse effect on the agency or the public if the advisory body were abolished?
- Is the advisory body representative of the public and stakeholders impacted by its actions?

In order to properly evaluate the questions detailed above and support the findings and recommendations, staff would evaluate numerous sources including:

- Agency submissions to the Legislature, as specified in s. 11.906, F.S.;
- OPPAGA reviews;

- Independent reviews;
- Public hearings;
- Joint Committee reports;
- Appropriations data; and
- Other sources as deemed relevant.

## DISTRICT REVIEW

### OVERALL DISTRICT REVIEW

#### Overview of the Districts

The institutional arrangement for managing water in Florida is unique in the United States. Emerging from a series of legislative actions in 1972, five water management districts were created. They are the Northwest Florida Water Management District, Suwannee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, and the South Florida Water Management District. The geographical boundaries for the districts were set up largely on hydrologic boundaries.

#### Northwest Florida

This district stretches from the St. Marks River basin in Jefferson County to the Perdido River in Escambia County. Sixteen counties lie within the district; they include: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton and Washington, and the westernmost portion of Jefferson.

The district covers some 11,300 square miles and contains several major hydrologic basins: Perdido River and Bay System, Pensacola Bay System (Escambia, Blackwater, and Yellow rivers), Choctawhatchee River and Bay Systems, St. Andrew Bay System, Apalachicola River and Bay System, Ochlockonee River and Bay System and St. Marks River Basin (Wakulla River).

#### Suwannee River

The district manages water and related natural resources in north-central Florida covering some 7,640 square miles, including all or part of 15 counties and 13 river basins. Nine counties lie within the district; they include: Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Madison, Suwannee, Taylor, and Union. In addition, parts of Alachua, Baker, Bradford, Jefferson, Levy and Putnam counties also lie within the district.

Major rivers and river systems found within the district include: Suwannee, Santa Fe, Withlacoochee, Aucilla, Alapaha, Ichetucknee, Fenholloway, Steinhatchee, Econfinia, Waccasassa, and the Wacissa.

#### St. Johns River

The district encompasses over 12,400 acres and all or part of eighteen counties in north and east-central Florida. Counties entirely within the district include: Brevard, Clay, Duval, Flagler, Indian River, Nassau, Putnam, St. Johns, Seminole, and Volusia. In addition, parts of Alachua, Baker, Bradford, Lake, Marion, Okeechobee, Orange and Osceola. From a water resources perspective the district includes the entire St. Johns River watershed, the Ocklawaha River, the Atlantic coastal area, the Nassau River Basin, and the Florida side of the St. Mary's River basin.

The district operates and maintains over 100 major and minor water control structures, including 11 spillways, three navigational locks, one weir, 302 miles of levees, 81 miles of canals, and 30 pump stations.

#### Southwest Florida

The district encompasses all or part of 16 counties along Florida's central west coast stretching from Levy County in the north to Charlotte County in the south and inland as far as Polk and Highlands counties. The district covers some 10,000 square miles and contains much of Florida's most productive agricultural land and phosphate mining areas. The district also contains the Green Swamp, headwaters for the Peace, Hillsborough, Withlacoochee and Oklawaha rivers, and numerous lakes, springs, streams and ponds. Counties entirely within the district include: Citrus, Sumter, Pasco, Pinellas, Hillsborough, Hernando, Manatee, Hardee, Sarasota, and DeSoto. In addition, parts of Levy, Marion, Lake, Polk, Highlands, and Charlotte counties also lie within the district.

#### South Florida

The district encompasses all or part of 16 counties along Florida's southeastern coast and covers some 17,900 square miles. Two primary water basins make up this district. They are the Okeechobee Basin which includes Kissimmee-Okeechobee-Everglades ecosystem, which stretches from Central Florida's Chain of Lakes to Lake Okeechobee and south to the Florida Keys. The Big Cypress Basin includes all of Collier and part of Monroe counties, including the 10,000 Islands and the Big Cypress National Preserve. Counties entirely within the district include: Broward, Collier, Glades, Hendry, Lee, Martin, Miami-Dade, Monroe, Palm Beach, and St. Lucie. In addition, parts of Charlotte, Highlands, Orange, Osceola, Okeechobee, and Polk counties also lie within the district.

### **Governance of the Districts**

Direct oversight for each district's activities is provided by a Governing Board whose members are appointed by the Governor and subject to confirmation by the Florida Senate. Each Governing Board in turn hires an Executive Director who must also be confirmed by the Florida Senate.<sup>4</sup> In addition, pursuant to s. 373.026(7), F.S., the DEP is authorized to "exercise general supervisory authority over all water management districts."

As part of its general supervisory authority, the DEP has initiated a series of practices which include: budget review, auditing of grants and contracts, rule reviews, and administration of trust funds. Also, the Secretary conducts regular conference calls with the district executive directors and meets quarterly with the Chairs of the Governing Boards.

In addition to the oversight described in the previous paragraphs, s. 373.114, F.S., provides that the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, has authority to review certain decisions of the districts. The primary purpose of the Commission is to determine whether district actions are in conflict with statutory requirements or with the requirements of district or agency rules.

Governing Board members serve without compensation. They are entitled to receive their actual travel expenses when performing specific district business. Aside from being able to employ an

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<sup>4</sup> Section 373.079, F.S.

Executive Director, they may hire any personnel they deem necessary to accomplish the mission of the district. In order to perform their duties the Governing Boards are required to meet at least once a month.<sup>5</sup>

As established in 1972, each district Governing Board originally had 9 members<sup>6</sup>. The initial law specified only that the members reside in the district. In 1976, legislation was passed that provided specific appointment criteria to be used for selecting Governing Board members<sup>7</sup>. These provisions have remained relatively stable since their inception. Specific modifications have been:

1977: Adding the Aucilla River basin as an area from which a specific board member was to come from for the Suwannee River district.

1988: Increasing from 9 to 11 the number of Governing Board members on the Southwest Florida board.

1991: Providing that Manatee County have a specific appointment in lieu of Sarasota County which was placed into an at-large appointment group for the Southwest Florida board.

1997: Detailing specific areas of expertise as appointment criteria for board members.

2007: Increasing from 11 to 13 the number of Governing Board members on the Southwest Florida board. This change also required that one member be from Polk County and adjusted the at-large appointments for this change.

Current appointment criteria for the Governing Boards are as follows:<sup>8</sup>

Overall: The candidates shall have significant experience in one or more of the following areas, including but not limited to agriculture, the development industry, local government, water utilities, law, civil engineering, environmental science, hydrology, accounting, or financial business.

Northwest: From 5 specific river basins plus 4 at-large. However, no county shall have more than 2 members.

Suwannee River: From 5 specific river basins plus 4 at-large. However, no county shall have more than 2 members.

St. Johns River: From 5 specific river basins plus 4 at-large. However, no county shall have more than 2 members.

South Florida: All 9 from specific counties or groups of counties. However, no county shall have more than 3 members.

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<sup>5</sup> Id

<sup>6</sup> Why nine? Based on discussions with individuals familiar with the creation of the districts it is their recollection that this number derived from the existing Southwest Florida flood control district which in 1972 had ten basin boards, nine of which had a specific seat on the district board.

<sup>7</sup> Section 6, ch. 76-243, Laws of Florida

<sup>8</sup> Section 373.073, Florida Statutes

Southwest Florida: All 13 from specific counties or groups of counties.

### **Mission of the Districts**

The mission of the districts is to implement the provisions of Chapter 373, Florida Statutes, also known as the Florida Water Resources Act of 1972<sup>9</sup>. In implementing the act, the districts are to seek to manage water and related natural resources to ensure their continued availability while maximizing environmental, economic and recreational benefits.

Central to the mission is maintaining the balance between the water needs of current and future users while protecting and maintaining water and related natural resources which provide the district with its existing and future water supply. In order to accomplish their missions the districts assume their responsibilities as authorized in Chapter 373, F.S., and other chapters of the Florida Statutes by directing a wide range of programs, initiatives and actions. These include, but are not limited to, flood protection, water use, well construction, environmental resource permitting, water conservation, education, land acquisition, water resource and supply development, and supportive data collection and analysis efforts. As an outgrowth of this the districts have identified what are referred to as the “Areas of Responsibility,” these are:

- ✓ Water Supply
- ✓ Flood Protection
- ✓ Water Quality
- ✓ Natural Systems

### **Powers of the Districts**

Many provisions in Chapter 373, F.S., confer power to the Governing Boards either directly or indirectly through shared responsibility with the DEP. However, section 373.083, F.S., provides for their general powers and duties. These are:

- Enter into contracts with public agencies, private corporations, or other persons.
- To appoint and remove agents and employees.
- Issue orders to implement or enforce any of the provisions or regulations of Chapter 373, F.S.
- Make surveys and investigations of the water supply and water resources of their respective districts.
- Solicit and accept donations or grants from both public and private sources for any district activity.
- To exercise any delegation and to sub-delegate to district staff.
- Specific delegation of the CUP or the ERP programs must include a process by which permit denials may be taken to the Governing Board for final action.

As an outgrowth of these general powers and duties, along with delegation agreements with the DEP, district responsibilities have grown over the years. Though the original mission of flood control remains central to their operations, districts now have responsibilities in many environmental arenas. These include:

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<sup>9</sup> Section 373.016, F.S.

- Consumptive Use Permitting
- Environmental Resource Permitting
- Surface Water Improvement and Management
- Uses of district lands, canals, streams or aquifers
- Drainage system construction or operation
- Well construction and well contractor licensing
- Land acquisition and management
- Public education

### **District Budgeting**

The districts are funded from many different sources; however, they are unique in that they are granted specific authority to levy ad valorem taxes. Section 9(b), Article VII, of the Florida Constitution provides authority for four of the water management districts to levy up to 1.0 mills for water management purposes. The Northwest Florida Water Management District is capped at 0.05 mills.<sup>10</sup> Subsequent to these constitutional caps the Legislature has placed statutory caps<sup>11</sup> on the districts ad valorem millage rates as follows:

0.05	Northwest Florida
0.75	Suwannee River
0.6	St. Johns River
1.0	Southwest Florida <sup>12</sup>
0.8	South Florida <sup>13</sup>

### **4-YEAR AD VALOREM HISTORY – ALL DISTRICTS (Revenue in Millions)**

Districts		05-06 (Actual)			06-07 (Actual)			07-08 (Est.)			08-09 (Adopted)	
	Revenue	Rate	Percent of Total Revenues	Revenue	Rate	Percent of Total Revenues	Revenue	Rate <sup>14</sup>	Percent of Total Revenues	Revenue	Rate	Percent of Total Revenues
Northwest	\$3.9	0.05	9%	\$4.9	0.05	12%	\$5.3	0.045	4%	\$5.0	0.045	4%
Suwannee	\$4.6	0.4914	6%	\$6.1	0.4914	7%	\$6.1	0.4399	7%	\$6.0	0.4399	9%
St. Johns	\$102.9	0.462	66%	\$142.5	0.462	34%	\$144.7	0.4158	36%	\$136.6	0.4158	36%
Southwest	\$189.4	0.422	69%	\$237.5	0.422	77%	\$237.5	0.3866	62%	\$216.1	0.3866	58%
South	\$444.1	0.697	43%	\$553.0	0.697	38%	\$549.5	0.624	43%	\$525.25	0.624	18%

In addition to the uniqueness of having ad valorem taxing authority, the districts operate on a Federal fiscal year which begins on October 1 and ends on September 30 unlike the State fiscal

<sup>10</sup> 1.00 mill equals \$1.00 per \$1,000 of assessed value. 0.05 mills equals \$0.05 per \$1,000 of assessed value.

<sup>11</sup> Section 373.509(3)(a), Florida Statutes.

<sup>12</sup> This taxing authority is divided evenly between the district and the district's eight basin boards. The ad valorem revenue listed in the table represents the combined revenue for the District and the Basins. For FY 08/09, the District millage rate is 0.3866 and the Basin millage rates range from 0.1484 for the Manasota Basin to 0.36 for the Pinellas-Anclote River Basin.

<sup>13</sup> This taxing authority is shared with the Big Cypress Basin, the Okeechobee Basin, and the 0.01 of a mill tied to the Everglades Forever Act.

<sup>14</sup> The lower millage rates reflect the districts compliance with House Bill 1B, enacted on June 21, 2007. The bill required special independent districts including water management districts to establish their ad valorem rates for this fiscal year at 97% of the existing rolled back rate.

year which begins on July 1 and ends of June 30.<sup>15</sup> Each district's annual work plan and budget development process is specifically governed by s. 373.536, F.S. The typical process followed by the districts is as follows:

February: Governing Board work plan and budget development workshops.

March to May: Staff development of the work plan and budget.

May: Initial presentation to senior management.

June: Initial presentation to governing board.

July: Governing boards hold workshops and adopt the proposed millage rate.

August: Submission of tentative budget to Executive Office of the Governor, DEP, and the legislature.

September: Governing board workshops and final adoption of millage rates and budget.

Public participation is a critical component of the budget development process. Section 373.536(3), F.S. outlines a series of public notice requirements that govern all meetings and procedures related to the budget process.

A significant milestone for the districts in the development of their annual budgets is the submission of their Tentative Budget on August 1st of each year. The tentative budget is submitted to the Executive Office of the Governor, the President of the Senate, the Speaker of the House, the chairs of specific legislative committees, the Secretary of DEP, and each county commission within the districts' boundaries.

Pursuant to s. 373.536, F.S., the Executive Office of the Governor upon receipt of the tentative budget has the authority to "approve or disapprove, in whole or in part, the budget of each water management district..." The Governor must submit his recommendations to the districts 5 days prior to their final adoption hearing which is usually held in the final 10 days of September. If the Governor has disapproved a specific budget item, it shall not be in the final approved budget.

Concurrent to the review by the Governor's Office, the statute also provides that, by September 5<sup>th</sup>, the House and Senate appropriations chairs may comment and raise objections to the provisions in the tentative budgets. In response to these comments, the Governing Boards are required to make them part of the public record at the meeting in which the final budget is adopted.

While each district has many specific activities, s. 373.536, F.S., requires them to be rolled into one of six defined program areas. These six program areas are:

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<sup>15</sup> According to discussions with those involved with the creation of the districts the use of a Federal fiscal year dates was because the old Central and Southern Florida flood control district was a creation of the federal government as was the Southwest Flood control district. Because of this the federal fiscal year was already in use and by default was maintained. Further, the October – September fiscal year coincides with the county budget process with the county's responsible for taxation and collection of water management district ad valorem revenues, and the Truth in Millage process the District's are required to follow as ad valorem taxing entities.



- Water Resources Planning and Monitoring
- Acquisition, Restoration, and Public Works
- Operation and Maintenance of Lands and Works
- Regulation
- Outreach
- District Management and Administration

Although not specifically required for submission with their budgets, the districts have adopted performance measures that are included in their tentative budget submissions. These measures, which are detailed in this report, respond to the requirements of s. 216.013, F.S., concerning the development of long-range program plans and state initiatives such as PB<sup>2</sup>.

A four-year overview of each district's budget is presented on the following pages. Prior to reviewing these, it is important to note the following accounting practices and other fiscal impacts that significantly impact the data. These impacts are also evident when interpreting the fiscal data presented for each program area in this report.

- Annual differences are attributable to the status of the budget. FY 05/06 and FY 06/07 are the actual audited budgets, FY 07/08 is an estimated budget, and FY 08/09 is the adopted budget. In discussions with the districts, there was uniform agreement that the status of the budget can be the single largest issue concerning revenue and expenditure fluctuations. The statuses are explained below.

An adopted budget represents all revenues and expenditures that could possibly occur during the fiscal year. This includes a significant number of capital projects and land acquisitions that are carryovers from previous years or newly approved projects, all of which may or may not be paid for during the budget year.

An estimated budget reflects the best approximation of the revenues and expenditures that actually occurred during the fiscal year. The budget retains the estimated label until an audited version is complete, usually some months after the September 30<sup>th</sup> end of the fiscal year.

An actual audited budget is precisely that. It represents the final actual revenues and expenditures of the district for the completed fiscal year and historically is some factor less than the adopted budget for the same fiscal year. This can be seen by looking at two of the districts' adopted revenue figures for 05/06 budgets and the actual audited figures. St. Johns River projected \$245.6 million in revenues and the actual figure was \$155.0 million, an overstatement of 58%. Similarly, Southwest Florida for the same period projected \$333.8 million in revenues and the actual was \$276.4, an overstatement of 57%. Conversations with each of the districts verified that this is not unusual.

- Beginning with FY 06/07, the Governor's office required the districts to report reserves and encumbrances as part of the annual budgets. The impact of these new requirements can be seen in significant jumps in numerous revenue categories. The corresponding expenditure categories impacted by this change include Other Personal Services and Interagency Expenditures. It is the practice of the districts to capture planned

expenditures in these categories at the start of the fiscal year. At end of the fiscal year they fund shift from these expenditure categories to the appropriate categories.

- The creation of the Water Protection and Sustainability Program boosted district revenues beginning in FY 05/06. The Legislature appropriated a total of \$200 million during FY 05/06 (\$100 million from documentary stamp taxes as provided in s. 201.15(1)(d)(2), F.S.; \$100 million from non-recurring funds.)

\$100 million from documentary stamp tax revenues was appropriated during FY's 06/07 and 07/08. As a result of revenue shortfalls, \$20 million of the FY 07/08 appropriation was reduced. The \$60 million allocated for alternative water supply development assistance was reduced by \$8 million, and the funding for the SWIM program was eliminated.

As revenues continued to decline, the distribution of documentary stamp tax revenues, as specified in s. 201.15(1)(d)(2), F.S., for the Water Protection and Sustainability Program, was further amended to provide the lesser of 5.64% or \$80 million beginning FY 08/09 (ch. 2008-114, L.O.F.). \$35.7 million was appropriated for FY 08/09 based on this change.

The current revenue forecast projection is that the program will return to the \$80 million funding level by the end of five years.

- One-time appropriations can also have an impact. On many occasions, the districts will receive special appropriations earmarked for one project.

## NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

	FY 2005-06	PCT	FY 2006-07	PCT	FY 2007-08	PCT	FY 2008-09	PCT
	(Actual)		(Actual)		(Estimated)		(Adopted)	
<b>REVENUES</b>								
Ad Valorem Taxes	\$3.856	9.2	\$4.920	12.1	\$4.981	3.9	\$4.748	4.0
Carryover					41.519	32.3	40.118	33.7
Permit & License Fees	0.504	1.2	0.461	1.1	0.703	0.5	0.636	0.5
Local Revenues	0.163	0.4	0.395	0.9	0.196	0.2	0.161	0.1
Ecosystem Mgmt TF	0.924	2.2	3.989	9.8	7.971	6.2	6.332	5.3
FDOT - Mitigation	2.043	4.9	1.032	2.5	11.928	9.3	10.472	8.8
Water Mgmt Lands TF	6.686	16.0	6.878	17.0	12.027	9.4	11.957	10.0
Water Protection & Sustainability TF			12.564	31.0	12.905	10.0	10.780	9.0
Florida Forever	20.129	48.0	4.165	10.3	25.448	19.8	22.458	18.9
State General Revenue	0.411	1.0	1.373	3.4	3.840	3.0	3.840	3.2
Other State Revenue	4.502	10.7	0.248	0.6	0.264	0.2	0.231	0.2
Federal Revenues	1.603	3.8	1.659	4.1	3.831	3.0	4.665	3.9
Miscellaneous Revenues	1.083	2.6	2.939	7.2	2.866	2.2	2.726	2.3
<b>TOTAL REVENUES</b>	42.489		40.623		128.479		119.124	
<b>EXPENDITURES</b>								
Salaries and Benefits	5.860	15.7	6.480	18.4	9.176	7.1	9.463	7.9
Other Personal Services	7.474	20.0	5.683	16.1	19.854	15.5	20.239	17.0
Operating Expenses	1.856	5.0	2.892	8.2	4.115	3.2	4.490	3.8
Operating Capital Outlay	0.426	1.1	0.751	2.1	0.900	0.7	1.012	0.8
Fixed Capital Outlay	17.664	47.2	0.252	0.7	23.721	18.5	13.843	11.6
Interagency Expenditures	4.126	11.0	19.196	54.5	30.594	23.8	29.424	24.7
Debt								
Reserves					40.118	31.2	40.653	34.1
<b>TOTAL EXPENDITURES</b>	37.405		35.254		128.479		119.124	
<b>PERSONNEL</b>								
Full-time Equivalents	58		59		59		59	
Contract / Other	31		42		52		58	
<b>TOTAL PERSONNEL</b>	89		101		111		117	

(All dollar figures in the 1,000)

Budget notes:

In FY 05/06 the district did not request DEP to release Water Protection and Sustainability funds.

## SUWANNEE RIVER WATER MANAGEMENT DISTRICT

	FY 2005-06	PCT	FY 2006-07	PCT	FY 2007-08	PCT	FY 2008-09	PCT
	(Actual)		(Actual)		(Estimated)		(Adopted)	
<b>REVENUES</b>								
Ad Valorem Taxes	\$4.635	6.4	\$6.100	7.2	\$6.100	7.4	6.020	8.6
Carryover	13.446	18.6	2.110	4.6	23.841	29.1	14.200	20.3
Permit & License Fees	0.375	0.5	0.330	0.7	0.416	0.5	0.416	0.6
Local Revenues								
Ecosystem Mgmt TF	0.453	0.6	0.453	1.0	0.453	0.6	0.453	0.6
FDOT - Mitigation	0.757	1.0	0.270	0.6				
Water Mgmt Lands TF	6.206	8.6	5.839	12.6	5.901	7.2	5.900	8.5
Water Protection & Sustainability TF	11.875	16.4	9.153	19.7	12.339	15.1	8.210	11.8
Florida Forever	16.279	22.5	8.609	18.6	19.956	24.4	19.289	27.6
State General Revenue								
Other State Revenue	4.349	6.0	6.314	13.6	7.447	9.1	1.846	2.6
Federal Revenues	6.836	9.5	5.456	11.8	5.011	6.1	1.493	2.1
Miscellaneous Revenues	7.046	9.8	1.722	3.7	0.441	0.5	11.959	17.1
<b>TOTAL REVENUES</b>	<b>72.257</b>		<b>46.356</b>		<b>81.903</b>		<b>69.786</b>	
<b>EXPENDITURES</b>								
Salaries and Benefits	4.752	6.6	4.896	10.6	5.365	6.6	5.670	8.1
Other Personal Services	29.332	40.6	13.825	29.8	17.394	21.2	10.681	15.3
Operating Expenses	2.042	2.8	1.836	4.0	2.487	3.0	2.241	3.2
Operating Capital Outlay	0.414	0.6	0.211	0.5	5.752	7.0	0.415	0.6
Fixed Capital Outlay	21.995	30.4	9.601	20.7	27.957	34.1	28.412	40.7
Interagency Expenditures	0.927	1.3	3.956	8.5	15.277	18.7	9.437	13.5
Debt								
Reserves	12.795	17.7	12.030	26.0	7.672	9.4	12.930	18.5
<b>TOTAL EXPENDITURES</b>	<b>72.257</b>		<b>46.356</b>		<b>81.903</b>		<b>69.786</b>	
<b>PERSONNEL</b>								
Full-time Equivalents	68		68		68		68	
Contract / Other	4		4		4		4	
<b>TOTAL PERSONNEL</b>	<b>72</b>		<b>72</b>		<b>72</b>		<b>72</b>	

(All dollar figures in the 1,000)

### Budget notes:

The fluctuations in Other State Revenues are attributed to changing funding levels from various state sources for the Suwannee River Partnership program and the SWIM program.

## ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

	FY 2005-06	PCT	FY 2006-07	PCT	FY 2007-08	PCT	FY 2008-09	PCT
	(Actual)		(Actual)		(Estimated)		(Adopted)	
<b>REVENUES</b>								
Ad Valorem Taxes	\$102.988	66.5	\$107.028	38.1	\$144.678	32.5	\$136.620	36.4
Carryover			1.188	0.4	47.872	10.7	90.027	24.0
Permit & License Fees	3.593	2.3	3.358	1.2	3.500	0.8	3.000	0.8
Local Revenues	2.161	1.4	7.342	2.6	4.481	1.0	2.969	0.8
Ecosystem Mgmt TF	13.159	8.5	11.153	4.0	58.332	13.1	41.868	11.1
FDOT - Mitigation	2.398	1.6	23.553	8.4	8.484	1.9	0.330	0.1
Water Mgmt Lands TF	13.107	8.5	14.682	5.2	20.993	4.7	18.719	5.0
Water Protection & Sustainability TF	5.209	3.4	12.619	4.5	35.045	7.9	33.780	9.0
Florida Forever	7.570	4.9	78.494	27.9	78.658	17.7	29.902	8.0
State General Revenue								
Other State Revenue	1.857	1.2	8.895	3.2	6.777	1.5	1.890	0.5
Federal Revenues	2.954	1.9	3.661	1.3	29.630	6.7	8.945	2.4
Miscellaneous Revenues			9.271	3.3	7.032	1.6	7.639	2.0
<b>TOTAL REVENUES</b>	154.996		281.241		445.481		375.688	
<b>EXPENDITURES</b>								
Salaries and Benefits	51.719	33.4	55.133	19.6	61.043	13.7	63.180	16.8
Other Personal Services	35.225	22.7	39.246	14.0	44.745	10.0	45.113	12.0
Operating Expenses	18.845	12.2	19.944	7.1	27.417	6.2	22.860	6.1
Operating Capital Outlay	2.856	1.8	4.928	1.8	3.330	0.7	3.628	1.0
Fixed Capital Outlay	11.072	7.1	120.372	42.8	131.375	29.5	44.521	11.9
Interagency Expenditures	28.859	18.6	35.199	12.5	167.024	37.5	180.953	48.2
Debt	6.420	4.1	6.419	2.3	6.420	1.4	6.434	1.7
Reserves					4.126	0.9	9.000	2.4
<b>TOTAL EXPENDITURES</b>	154.996		281.241		445.481		375.688	
<b>PERSONNEL</b>								
Full-time Equivalents	691		715		717		717	
Contract / Other	0		0		0		0	
<b>TOTAL PERSONNEL</b>	691		715		715		717	

(All dollar figures in the 1,000)

### Budget notes:

The increase in FY 07/08 Federal revenues is attributed to \$6.6 million in funding from the Natural Resources Conservation Service for the construction of Fellsmere Water Management Area project in the Indian River Lagoon.

The one-time increase in DOT-Mitigation revenues is attributed to a series of shared land acquisitions.

The increase in the Fixed Capital Outlay expenditures in FY 06/07 is attributed to increased land acquisition activities.

## SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

	FY 2005-06	PCT	FY 2006-07	PCT	FY 2007-08	PCT	FY 2008-09	PCT
	(Actual)		(Actual)		(Estimated)		(Adopted)	
<b>REVENUES</b>								
Ad Valorem Taxes	\$189.378	68.5	\$237.543	76.5	237.527	76.5	216.144	57.4
Carryover							64.347	17.1
Permit & License Fees	4.026	1.5	3.282	1.1	3.282	1.1	3.000	0.8
Local Revenues	2.405	0.9	3.258	1.1	3.258	1.1	4.107	1.1
Ecosystem Mgmt TF	7.882	2.9	8.743	2.8	8.743	2.8	2.000	0.5
FDOT - Mitigation	1.863	0.7	6.287	2.0	6.287	2.0	2.595	0.7
Water Mgmt Lands TF	11.757	4.3	7.980	2.6	7.980	2.6	25.975	6.9
Water Protection & Sustainability TF	1.716	0.6	5.266	1.7	5.266	1.7	1.425	0.4
Florida Forever	21.341	7.7	1.918	0.6	1.918	0.6	22.500	6.0
State General Revenue								
Other State Revenue	2.340	0.8	0.685	0.2	0.685	0.2	16.534	4.4
Federal Revenues	5.942	2.1	3.933	1.3	3.933	1.3	0.842	0.2
Miscellaneous Revenues	27.762	10.0	31.481	10.1	31.422	10.1	10.539	2.8
Interfund transfers							6.481	1.7
<b>TOTAL REVENUES</b>	276.413		310.376		310.337		376.489	
<b>EXPENDITURES</b>								
Salaries and Benefits	50.033	26.4	55.566	27.6	55.566	27.6	63.093	16.8
Other Personal Services	41.468	21.9	41.724	20.8	41.724	20.8	67.998	18.0
Operating Expenses	19.841	10.5	21.735	10.8	21.735	10.8	36.521	9.7
Operating Capital Outlay	6.600	3.5	7.706	3.8	7.706	3.8	3.026	0.8
Fixed Capital Outlay	25.044	13.2	6.891	3.4	6.891	3.4	25.647	6.8
Interagency Expenditures	46.614	24.6	67.607	33.6	67.584	33.6	151.996	40.4
Debt								
Reserves							28.208	7.5
<b>TOTAL EXPENDITURES</b>	189.6		201.229		201.206		376.489	
<b>PERSONNEL</b>								
Full-time Equivalents	736		736		736		736	
Contract / Other	56		56		56		56	
<b>TOTAL PERSONNEL</b>	792		792		792		792	

(All dollar figures in the 1,000)

### Budget notes:

The large balance for Interagency Expenditures in FY 08/09 represents the reporting of an \$85 million encumbrance for the desalination plant.

## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

	FY 2005-06	PCT	FY 2006-07	PCT	FY 2007-08	PCT	FY 2008-09	PCT
	(Actual)		(Actual)		(Estimated)		(Adopted)	
<b>REVENUES</b>								
Ad Valorem Taxes	\$445.750	43.3	\$549.850	53.5	\$549.484	40.4	\$525.229	17.7
Agricultural Privilege Tax	11.513	1.1	11.661	1.1	11.600	0.8	11.600	0.3
Carryover					119.944	8.8	259.024	8.7
Permit & License Fees	10.516	1.0	12.551	1.2	8.142	0.5	3.768	0.1
Local Revenues	27.423	2.7	4.526	0.4	15.742	1.1	1.300	0.04
Ecosystem Mgmt TF	31.289	3.0	30.574	3.0	17.371	1.3	4.500	0.2
FDOT - Mitigation								
Water Mgmt Lands TF	19.755	1.9	22.897	2.2	18.218	1.3	18.417	0.6
Water Protection & Sustainability TF			20.618	2.0	18.810	1.4	8.658	0.3
Florida Forever	79.666	7.7	4.953	0.4	63.850	4.7	18.747	0.6
State General Revenue								
Save Our Everglades TF	240.552	23.4	73.241	7.1	161.805	11.9	113.991	3.8
Certificates of Participation / Acceler8	82.000	8.0	199.327	19.4	270.368	19.9	1,973.544	66.4
Other State Revenue	15.565	1.5	25.487	2.5	52.260	3.8	13.263	0.4
Federal Revenues	27.576	2.7	17.737	0.2	8.563	0.6	1.169	0.03
Miscellaneous Revenues	38.000	3.7	53.378	5.2	42.952	3.2	21.208	0.7
<b>TOTAL REVENUES</b>	<b>1,029.605</b>		<b>1,026.799</b>		<b>1,359.110</b>		<b>2,974.418</b>	
<b>EXPENDITURES</b>								
Salaries and Benefits	142.482	14.7	157.107	16.9	170.508	12.5	175.109	5.9
Other Personal Services	154.469	16.0	151.881	16.3	180.207	13.3	58.859	2.0
Operating Expenses	75.292	7.8	83.815	9.0	122.280	9.0	123.424	4.1
Operating Capital Outlay	13.824	1.4	15.048	1.6	6.891	0.5	72.484	2.4
Fixed Capital Outlay	485.852	50.2	278.900	30.0	693.206	51.0	2,309.516	77.6
Interagency Expenditures	84.453	8.7	93.922	10.1	113.243	8.3	65.351	2.2
Debt	11.761	1.2	149.727	16.1	46.565	3.4	143.327	4.8
Reserves					26.211	1.9	26.347	0.8
<b>TOTAL EXPENDITURES</b>	<b>968.133</b>		<b>930.400</b>		<b>1,359.110</b>		<b>2,974.418</b>	
<b>PERSONNEL</b>								
Full-time Equivalents	1,771		1,784		1,808		1,828	
Contract / Other	0		0		0		0	
<b>TOTAL PERSONNEL</b>	<b>1,771</b>		<b>1,784</b>		<b>1,808</b>		<b>1,828</b>	

(All dollar figures in the 1,000)

### Budget notes:

The FY 05/06 Local Revenues figure represents a large grant from Martin County to cost share the acquisition of a reservoir.

### *Findings:*

With the exception of Southwest Florida, appointment criteria have remained relatively unchanged for the districts.

The appointment criteria are not consistent among the 5 districts. Three utilize a basin plus at-large approach while the other two use a prescriptive by county method.

For the 3 districts using river basins plus at-large appointees, Northwest Florida, Suwannee River, and St. Johns staff found that:

The percent of district-wide population for each county has remained relatively constant over the past 25 years<sup>16</sup>. The exceptions are: Escambia (-6.5%); Santa Rosa (+3.6%); and Duval (-6.7%).

However, because river basins cover multiple counties and many times only include a portion of the county, it is difficult to determine what specific population changes pertinent to the basin appointment criteria have occurred without doing significant census tract work.

Because of the use of river basins as a criterion in conjunction with at-large appointments, it is possible for the smallest county by population to have as many as two members on these boards.<sup>17</sup>

For the remaining 2 districts, Southwest Florida and South Florida, whose appointees are from a specific county or group of counties, staff found that:

The percent of district-wide population for each county has remained relatively constant over the past 25 years. The exceptions are Pinellas (-8.4%) and Miami-Dade (-8.5%).

When considering a statistical perspective of county size related to potential Governing Board membership, and assuming current Governing Board size, then Broward County (South Florida) and Hillsborough County (Southwest Florida) should both gain a seat.

Based on interviews with district personnel, it takes one day per Governing Board member per month in order to brief them on the monthly agenda. Therefore smaller board sizes would reduce administrative workloads and costs for the districts. To understand the potential cost savings, we can look to the recent Sunset Report prepared by OPPAGA<sup>18</sup>. Based on data assembled by OPPAGA, annual per member Governing Board costs run from a low of \$7,220 for Suwannee River to a high of \$52,675 for South Florida.<sup>19</sup>

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<sup>16</sup> See Appendix D for detailed population figures of the counties and districts.

<sup>17</sup> Section 373.073, F.S., caps the number of appointments any county can have on these Governing Boards at 2.

<sup>18</sup> OPPAGA, Sunset Memorandum, Governance of Florida's Water Management Districts Options for Legislative Consideration, December, 2007

<sup>19</sup> The substantially higher cost for South Florida was attributed in part to \$216,215 incurred for hiring outside legal counsel to advise the board. In addition, the Northwest Florida and Suwannee River districts also incurred \$13,219 and \$20,740 for outside counsel, respectively.



Concerning overall Governing Board sizes and the potential relationship to effectiveness, staff researched periodicals from the field of organizational theory. Staff sought to examine how the size of an advisory body potentially influences outcomes and effectiveness. There are a significant number of scientific studies on group dynamics and performance as they relate to group size. One study (Kameda, Stasson, et. al., 1992)<sup>20</sup> found that team size had a direct relationship on the performance of routine tasks. They found that size and performance when charted looks like an inverted U. They found that the highest performance results were found with groups of 3 to 9. The authors' primary hypothesis is that individual motivation drops as group size increases. This was attributed to the fact that individuals become over-reliant on one another to complete the task or make a decision as group size increases. This study basically corroborated the findings of a 1977 study<sup>21</sup> done at Ohio State which found that cognitive effort decreased as the size of a group increased. Based on their findings, maximum results were achieved with a group of 4 and flattened out as group size increased.

Staff has learned from representatives of the Northwest Florida and Suwannee River districts that recruiting individuals with knowledge, experience, and/or interest in appointment to the Governing Boards is becoming increasingly more difficult.

Pursuant to statute, the Governing Boards may delegate various permitting and administrative decisions to the Executive Director or staff of the district. The chart below shows the thresholds at which the Governing Boards have delegated authority to the Executive Directors.

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<sup>20</sup> Social Dilemmas, Subgroups, and Motivation Loss in Task-Oriented Groups: In Search of an "Optimal" Team Size in Division of Work, Social Psychology Quarterly, 1992, Volume 55, No. 1.

<sup>21</sup> The Effects of Group Size on Cognitive Effort and Evaluation, PSPB, 1977, Volume 3.

<b>District</b>	<b>Consumptive Use Permits</b>	<b>Environmental Resource Permits</b>	<b>Contracts</b>
Northwest	Less than 100,000 gallons per day average	Less than or equal to 100 acres	Up to \$50,000
Suwannee	Governing Board approval on all individual permits.  All general permits	Governing Board approval on all individual permits.  All general permits	Up to \$15,000
St. Johns	Governing Board approval on all individual permits.  All general permits	Governing Board approval on all individual permits.  All general permits	Up to \$100,000
Southwest	Governing Board approval on all individual permits.  Up to 500,000 gallons per day for general permits	Governing Board approval on all individual permits.  For general permits: Up to 100 acres Up to 1 acre wetland impact	Up to \$50,000, however, if a specific budget line item exists for more the Director has delegation to proceed
South	Up to 500,000 gallons per day.	For individual permits: Up to 100 acres Up to 1 acre wetland impact Up to 9 boat slips  For general permits:  If a heightened public concern exists  If CERP is involved	General procurements, up to \$150,000  Construction procurements up to \$500,000  Sole source procurements up to \$150,000

As evidenced by significant financial commitments under the OPS expenditure category, all of the districts are utilizing privatization, outsourcing and contracting. Districts cite staff limitations as one of the reasons for contracting services out. Specific services outsourced or contracted include engineering, computer maintenance, legal services, consulting, water quality monitoring, janitorial and grounds maintenance, printing/publication services, and security. Reported benefits include improved efficiencies in the delivery of services to the public. Adverse effects are increased costs for some services because of labor market conditions and the difficulty of training outside personnel, especially technical disciplines, how to review and interpret permit submittals.

The Southwest Florida district has experimented with outsourcing for temporary and student positions through a temporary agency rather than through direct recruitment. This shortened the time to it takes to place temporary staff and student employees. The use of a temporary agency also reduced the risk of employment practices liability. Adverse effects included: increased costs because the regular salary plus administrative markup and fees charged by agencies generally exceeds what it costs the district to make a direct placement; and a lack of availability through temporary agencies of certain skilled individuals needed by the district.

A 1998 Attorney General Opinion<sup>22</sup> allows only a “state agency” of the executive branch to conduct public meetings by communications media technology. As a result, the districts are not permitted to avail themselves of this option.<sup>23</sup> Coupled with the requirement that Governing Boards must meet at least once a month, this opinion has led to unnecessary costs and logistical problems for Governing Board members who may live some great distance from the districts’ headquarters. This prohibition also creates problems that interfere with the Governing Boards capacity to act during times of emergencies.

The recent OPPAGA report concerning district governance issues discusses a growing issue concerning the issue of taxation without representation.<sup>24</sup> In looking back to the 1995 report from the legislatively created Water Management Review Commission, this issue was evaluated and addressed in the following manner:

“When the districts were created in 1972, the Legislature reasoned that appointed Governing Board members from across a district’s jurisdiction would better manage regional resources for the collective benefit of all area residents, since each member would not be elected by and represent a discrete constituency. While some critics assert that appointed Governing Boards result in “taxation without representation,” Commissioners concluded that the Legislature’s authority to adjust districts’ statutory millage caps remains an effective check on ad valorem taxation for water management purposes.”<sup>25</sup>

### Performance Measures

All of the districts utilize performance measures. The measures they have developed are intended to measure what the districts attempt to accomplish (priority lists, MFL schedules, etc.), and whether they are producing the desired results with minimum expense. Working in concert with the Executive Office of the Governor and the DEP the districts have developed the core set of measures that are reported as a part of their annual budget submissions. These measures are intended to be consistent with those adopted and used by the DEP.

It should also be noted that one difference between the districts and state agencies concerning the performance measures is the lack of annual targets. As reported by state agencies each measure has some annual target or goal to compare performance against. The districts have not been required to do this. However, in discussions with the districts they have indicated that for internal management practices they do develop targets for various activities and projects. Most of these are milestone types used to track progress on the numerous water resource development or restoration projects.

At times, as evidenced by this report, district to district performance comparisons can be very difficult. Examples of this problem are readily seen in the measures for research and data collection activity, water source development, and restoration. District representatives stress that the best way to view the measures is not on a district vs. district basis but rather by evaluating

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<sup>22</sup> Attorney General Opinion, Fla. 98-28.

<sup>23</sup> Subsection 189.403(6), F.S., defines the “water management districts” as special taxing districts.

<sup>24</sup> OPPAGA, Sunset Memorandum, Governance of Florida’s Water Management Districts Options for Legislative Consideration, December, 2007.

<sup>25</sup> Bridge Over Troubled Waters: Recommendation of the Water Management District Review Commission, December, 1995.

each district's performance over a period of time compared to a baseline measure established by that district.

### Abolishment of the Districts

As a part of their submissions to the Joint Legislative Sunset Committee the districts were asked to detail what the impact would be if they were abolished. Specific impacts are detailed in the appropriate activity descriptions contained in this report; however, there are overall impacts that are best discussed here.

In evaluating the information provided by the districts we found the following concerning the impacts of an overall abolishment.

- ✓ Some of the districts have significant responsibility for works, such as dams, levees, and canals. Many of these works are projects constructed by the federal government for flood control. Should the district be abolished the operation and maintenance of these structures would need to be continued by another entity.
- ✓ Another area of substantial cooperation between the federal government and the districts is in the area of restoration. The best known is the Comprehensive Everglades Restoration Program, but others exist, such as: Indian River Lagoon, Upper St. Johns, and Kissimmee River. Absent the districts, the state would have to determine who would be the lead on these projects.
- ✓ There would be a loss of \$950 million in ad valorem revenues and \$285 million in corresponding matching revenues. These funds are primarily utilized to fund capital projects which provide for water resource development and restoration.

### *Recommendations:*

The Legislature should consider having all Governing Boards appointed utilizing population demographics within the district. This method could help ensure that the membership of a board accurately reflects the district both from a population and assumedly by ad valorem contribution perspective.

Based on documented potential to better maximize staff efficiency, the Legislature should consider returning the Southwest Florida Governing Board to the original nine member configuration.

Based on the information concerning appointment difficulties and substantially smaller overall population bases within the Northwest Florida and Suwannee River districts, the Legislature should consider reducing the Governing Board size from nine to seven in those districts.

Based on the findings concerning current Governing Board appointment criteria for Southwest Florida and South Florida, the Legislature should consider reapportioning them to reflect population shifts.

Based on the OPPAGA findings concerning taxation and the Water Management Review Commission's response, staff recommends that Governing Board members continue to be appointed. However, the Legislature should consider the following options to strengthen existing oversight.

1. Sunset section 373.509(3)(a), F.S., which provides the statutory ad valorem caps, every five years.
2. Change the districts from their current Federal budget year to the state's budget year.
3. Require the districts to make budget presentations to the Legislature during the Regular Session. This could include a detailed review of the past fiscal year and draft proposals for the upcoming fiscal year.<sup>26</sup>
4. Require the Governor and Cabinet sitting as Land and Water Adjudicatory Commission to adopt the budgets.
5. Amend section 373.536, F.S., to require that any modifications made by the Governor shall be submitted to the Legislature for approval. The approval method could take one of two forms, either utilizing the Legislative Budget Commission or the presiding officers of both chambers.
6. Utilize a method, modeled after the Public Service Nominating Council, to allow the Legislature an increased role in selecting Governing Board members.

The Legislature should consider amending s. 373.079(7), F.S., to authorize a meeting of the Governing Board by communications technology so that physically absent members may participate in a meeting and also to allow a meeting in times of emergency.

Given the difference in delegation authorities and the pattern of voting (See Findings discussion in Regulation program) the Legislature should consider adopting uniform criteria concerning delegation from Governing Boards to Executive Directors.

Regarding performance measures in general and the finding that they are sometimes inconsistent and also not easily interpreted across districts, the Legislature should consider having the OPPAGA undertake an effort to evaluate and make recommendations on their relative merits and any changes that should be considered.

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<sup>26</sup> This recommendation is based on the districts using the Federal fiscal year. A change to the State fiscal year could present additional review mechanisms.

### Program: Water Resources Planning and Monitoring

*Description:* This program includes all water management planning, including water supply planning, development of minimum flows and levels and other water resources planning; research, data collection, analysis and monitoring; and technical assistance, including local and regional plan and program review.

District	FY 05/06 (Actual)	Percent of Total Budget	FY 06/07 (Actual)	Percent of Total Budget	FY 07/08 (Estimated)	Percent of Total Budget	FY 08/09 (Adopted)	Percent of Total Budget
Northwest	\$2,122,520	6%	\$2,856,687	11%	\$14,770,544	11%	\$15,506,928	13%
Suwannee	\$5,948,955	8%	\$4,693,719	10%	\$4,850,900	9%	\$6,009,456	9%
St. Johns	\$16,965,850	11%	\$17,245,486	6%	\$17,331,269	4%	\$19,911,209	5%
Southwest	\$30,058,097	16%	\$31,665,234	16%	\$44,666,826	12%	\$43,620,165	12%
South <sup>27</sup>	\$88,903,459	9%	\$95,969,582	10%	\$154,804,182	11%	\$91,246,934	3%

#### PROGRAM BUDGET BY FUNDING SOURCE (AS A PERCENT)

Funding Source	Northwest Florida	Suwannee River	St. Johns River	Southwest Florida	South Florida
Non-dedicated Revenues	56	1	98	89	75
Local Revenues	1			8	1
Ecosystem Management Trust Fund					5
Water Management Lands Trust Fund	9			2	
Other State Revenue	1	24	2	>1	2
Water Protection & Sustainability Trust Fund	4	66			3
Save Our Everglades Trust Fund					9
Federal Revenues	29	8		>1	
Miscellaneous Revenues		1		>1	8

#### FUNDING ALLOCATIONS BY PROGRAM ACTIVITY (AS A PERCENT)

Activity	Northwest Florida	Suwannee River	St. Johns River	Southwest Florida	South Florida
District Water Management Planning	28	26	53	57	42
Research, Data Collection, Analysis & Monitoring	44	50	47	40	57
Technical Assistance	28	24	0	3	1
Other Water Resources Planning & Monitoring Activities	0	0	0	0	0

#### Activity: District Water Management Planning

##### *Activity Purpose:*

- To develop water supply plans to identify sustainable water supply options in order to meet water demands.

<sup>27</sup> The increased figure for FY 07/08 is because of additional funds from the state for the Caloosahatchee and St. Lucie Estuaries (Northern Everglades Restoration) and local CBIRs for the coastal areas. The ensuing decline is due to recent state budgetary constraints.

- To protect the hydrologic functions of surface water flows and levels and groundwater levels by establishing minimum flows and levels.
- To manage water and related natural resources within each watershed and for all priority water bodies in the District in a comprehensive, integrated manner in cooperation with local governments and other public and private stakeholders.

*Activity Summary:*

Water Supply Planning

All the districts are required, pursuant to s. 373.036, F.S., to prepare district water management plans and update them every five years. The purpose of these plans is to provide long-range guidance for district activities and to present a compilation of water resource information that forms the foundation for water management activities. The overall goals of the plans are stated in the Water Resources element of the State Comprehensive Plan (Chapter 187, Florida Statutes), as follows:

“Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.”

Each district water management plan provides goals, issues, objectives, and strategies for each of the four district areas of responsibilities. These are: water supply, flood protection and floodplain management, water quality, and natural systems.

The district water management plan acts as the master planning document used by the districts and contains component parts from a series of other developed plans. These include:

- Regional water supply plans (s. 373.0361, F.S.)

Each district is required to prepare water supply assessments to determine existing and future needs and evaluate the adequacy of existing and potential sources to meet those needs for the next 20 years. For those areas where the sources were determined not to be adequate to meet future needs, the districts were required to prepare regional water supply plans. The regional water supply plans identify water resource development and water supply development options that could be utilized to meet projected demands.

- Water Resources Development Work Program (s. 373.536, F.S.)

After approval of regional water supply plans, the districts are required to prepare Water Resources Development Work Programs as a part of their annual budget submission. The goal as enumerated in subsection s. 373.536, F.S., is for the program to describe the implementation strategy for the water resources development component of the regional water supply plans. Specifically, these regional projects designed to create, from traditional or alternative sources, an identifiable, quantifiable supply of water for existing and/or future reasonable beneficial uses.

- Florida Forever Work Plan (s. 373.199, F.S.)

Pursuant to s. 373.199, F.S., each district is required to complete this plan. In addition to land acquisition, funds from Florida Forever may be used for water resource development, stormwater management, water body restoration, and other closely related projects. Of the funds received by each district, 50% must be used for land acquisition but the balance may be used on water resource development and restoration projects.<sup>28</sup>

- Minimum flows and levels annual priority list (s. 373.042, F.S.)

The plan is required to include a description of the scientific methodologies for establishing MFLs and a listing of all MFLs that have been adopted.

- Alternative water supplies annual report (s. 373.1961, F.S.)

As a part of this program, the districts are required to submit reports that describe all alternative water supply projects funded as well as the quantity of new water to be created as a result of the projects.

- Regional mitigation plans (s. 373.4137, F.S. and s. 373.414, F.S.)

The DOT is required to annually submit to the districts a copy of its adopted work program<sup>29</sup> and an environmental impact inventory of habitats which may be impacted by its plan of construction for transportation projects in the next 3 years.

The districts and the DEP are also required to annually report all activities related to wetlands impacts. The report shall identify all cash donations taken as part of or in lieu of mitigation actions. In addition, the report shall include a description of the mitigation projects and shall address, as applicable, success criteria, project implementation status and timeframe, monitoring, long-term management, provisions for preservation, and full cost accounting.

The plans have historically been static in nature because they were only updated every five years. In order to expand their potential use by the districts in annual planning, the Legislature now permits the districts to implement an annual updating process for these plans.<sup>30</sup>

### Minimum Flows and Levels

Mandated by sections 373.042 and 373.0421, F.S., the districts establish minimum surface and ground water levels and surface water flow conditions for water courses, water bodies, and aquifers that represent the limit at which further withdrawals would be significantly harmful to the water resources or ecology of an area. Minimum flows and levels define how often and for how long high, average and low water levels and/or flows should occur to prevent significant harm.

The district's MFL programs provide technical support to regional water supply planning and permitting criteria for the CUP and ERP programs. In addition, MFLs provide protection for nonconsumptive uses of water. Such nonconsumptive uses include providing the necessary

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<sup>28</sup> Section 259.105, F.S.

<sup>29</sup> Section 339.135, F.S.

<sup>30</sup> Section 373.036, F.S.



quantities of water for navigation and recreation and for protection of habitats and other natural resources.

MFLs are established based on evaluations of topography, soils and vegetation data, and other pertinent information associated with the water resource. They take into account the ability of wetlands and aquatic communities to adjust to changes in hydrologic conditions.

MFLs are adopted by the districts' Governing Boards and normally take four to six months to establish. The establishment process involves public workshops, review by the DEP and publication in the Florida Administrative Weekly. Subsection 373.0421, F.S., also requires that MFLs be reviewed periodically and revised as necessary.

Once adopted, MFLs are implemented through consumptive use permitting and water supply planning programs. A priority list and schedule for establishing MFLs is submitted annually to the DEP, as required by law.

#### Other Water Resources Planning

This activity includes water management planning efforts not otherwise categorized above such as the development and maintenance of the District Water Management Plans, Strategic Plans, Comprehensive Watershed Management plans, Watershed Management Program plans, Surface Water Improvement and Management plans, Florida Forever Water Management District Work Plan and planning related support for the Governing Boards and Basin Boards where applicable. Many of these planning activities are done in partnership with local governments and other partners as is statewide interagency coordination and other activities such as economic research and support, performance measurement, land and water linkage projects.

#### *Measures of Performance:*

#### **WATER SUPPLY PLANNING COSTS PER CAPITA**

The intent of this measure is to identify the investment per resident for water supply planning to aid timely and efficient provision of current and future supplies.

<b>District</b>	<b>FY 03/04</b>	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Northwest	\$0	\$0	\$0.04	\$0.08
Suwannee River	\$0	\$0	\$0	\$0.02
St Johns River	\$1.24	\$1.26	\$1.52	\$1.39
Southwest	\$0.29	\$0.41	\$0.16	\$0.15
South	\$1.71	\$1.14	\$1.14	\$1.10

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Costs of water supply planning can be subject to considerable annual variability depending on the level of planning activity. In years with Water Supply Assessments or Regional Water Supply Plan revisions, higher costs can be anticipated.

Suwannee River will be undertaking a water supply assessment in FY 08/09 to determine if a regional water supply plan is needed.

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## COST OF MINIMUM FLOWS AND LEVELS PER ACRE OF LAKE, STREAM MILE AND SPRING

The intent of these measures is to identify how efficiently minimum flows and levels are being established.

<b>Lakes</b>	FY 03/04	FY 04/05	FY 05/06	FY 06/07
Northwest	\$0	\$0	\$0	\$0
Suwannee River	N/A	N/A	N/A	N/A
St Johns River	\$93	N/A	\$64	\$58
Southwest	\$507	\$154	\$27	\$24
South	N/A	N/A	\$7	N/A

<b>Streams</b>	FY 03/04	FY 04/05	FY 05/06	FY 06/07
Northwest	\$0	\$0	\$0	\$0
Suwannee River	\$4,077	\$6,110	\$6,845	\$7,591
St Johns River	N/A	N/A	N/A	N/A
Southwest	\$0	\$0	\$19,241	\$118,001
South	N/A	N/A	N/A	N/A

<b>Springs</b>	FY 03/04	FY 04/05	FY 05/06	FY 06/07
Northwest	\$0	\$0	\$0	\$0
Suwannee River	N/A	N/A	N/A	N/A
St Johns River	N/A	N/A	N/A	N/A
Southwest	N/A	N/A	N/A	N/A
South	N/A	N/A	N/A	N/A

To date the Northwest Florida district has completed no MFLs. The district reports that 6 MFLs are now in the early phases of being established.

The Suwannee River district is currently setting MFLs on streams and springs. Minimum flows were also established for 4 spring's systems which are included in the cost per river-mile. Springs are an integral part of the river hydrogeology in this district. The increase in the costs, for streams, is due to the fact that the district actually began setting MFLs (previous expenditures had been used solely to collect data).

The Southwest Florida district established MFLs for 13 lakes during FY 06/07 at a cost of \$24 per lake-acre. This lower cost measure, relative to that for previous years, reflects, in part, size differences among the lakes adopted in each year. Minimum flows were also established for 3 river segments in FY 06/07, at a cost of \$118,001 per river-mile. The higher cost measure reflects the fact that shorter river segments were the subject of minimum flows established. Each river segment requires a certain level of analysis to accurately characterize the ecological needs of the system, regardless of the length of the segment, so longer segments tend to have much lower costs per mile costs compared to shorter segments.

The St. Johns River district adopted MFLs for one lake and one river segment during FY 06/07. It is estimated that the total cost of the MFLs work for these two systems was \$1.1 million. The per lake acre cost was \$58 while the per river mile cost was \$19,203.

The South Florida district established no MFLs in 2004 or 2005. In 2006, MFL criteria were established for Lake Istokpoga, a 44 square mile lake in a watershed of 921 square miles; and a MFL rule is being completed for Florida Bay, which covers an area of 850 square miles. The costs of establishing the MFL for Lake Istokpoga was \$192,000 or \$7 per lake acre, and the cost of developing Florida Bay's MFL was \$274,000 or \$0.50 per bay acre.

To date no MFLs have been completed by the Northwest district.

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*Findings:*

There is a general lack of data concerning the cost of establishing MFLs and the data that has been supplied shows a wide degree of variance. According to the districts, this is a result of the following factors: site specific conditions, such as current pollutant levels; amount of public interest; and amount of time it takes to establish an MFL from a technical standpoint. Because of these factors, annual averaging is difficult.

Planning functions are a critical process in identifying and prioritizing district efforts. They also provide one of the most important functions through the public participation requirements mandated for use in developing them.

*Recommendations:* Long-term planning is essential to the districts' abilities to implement their programs. Staff recommends that the Legislature retain the activity and consider modifying the MFL measurement methodology. A potentially more practical methodology would encompass an evaluation of each existing MFL, designation of a baseline measure reliant on initial average MFL's, and collecting longitudinal data for a period of years. Once baselines have been established, comparisons within or across districts will bear much more statistical validity.

**Activity: Research, Data Collection, Analysis and Monitoring**

*Activity Purpose:* To collect data and conduct research and evaluation of water use, water quality and other hydrologic and meteorological data.

*Activity Summary:* This consists of district-managed data collection programs and data analysis functions (water quality monitoring programs, hydrologic evaluations, hydrologic data, mapping and GIS systems, environmental, and chemistry laboratories). In addition, a number of applied research projects that support various restoration and resource management programs comprise the remainder of the program efforts. State and local funding support virtually all of the efforts under this program. A few projects are supplemented with federal grants. One specific activity are the district's efforts with the FEMA flood hazard map modernization program. This program is designed to provide for the continuing development of an extensive floodplain delineation and surface water resource database.

*Measures of Performance:*

**COST PER SAMPLING EVENT FOR WATER RESOURCES MONITORING**

The intent of the measure is to provide the necessary information to determine the efficiency in the collection of information that is vital to effective water resource management.

<b>Ground Water Quality Sampling</b>	FY 03/04	FY 04/05	FY 05/06	FY 06/07
Northwest	\$306	\$316	\$250	\$696
Suwannee River	\$0.55	\$0.47	\$0.50	\$553
St Johns River	N/A	N/A	N/A	N/A
Southwest	\$432	\$394	\$342	\$296
South	\$547	\$689	\$758	N/A

<b>Surface Water Quality Sampling</b>	FY 03/04	FY 04/05	FY 05/06	FY 06/07
Northwest	\$204	\$193	\$155	\$417
Suwannee River	\$0.47	\$0.68	\$0.56	\$424
St Johns River	\$545	\$609	\$589	\$633
Southwest	\$174	\$282	\$304	\$230
South	\$466	\$355	\$372	\$412

<b>Hydrologic Data Collection</b>	FY 03/04	FY 04/05	FY 05/06	FY 06/07
Northwest	\$143	\$129	\$123	\$365
Suwannee River	\$530	\$477	\$387	\$168
St Johns River	\$0.27	\$0.24	\$0.26	\$0.26
Southwest	\$0.38	\$0.38	\$0.21	\$0.22
South	\$266	\$163	\$322	\$283

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Most of the figures include the full costs of sample collection, lab analysis, and data management, including salary, benefits, equipment, and travel. Hydrologic and meteorological sampling costs reflect the costs of maintaining the equipment and downloading the data on a monthly basis, not the cost per actual “sample” taken (much of the hydrologic and meteorological sampling is done by telemetry, with many stations transmitting data every 15 minutes – the cost of these automatic transmissions is very low and would distort the cost estimates if measured individually).

Prior to FY 06/07 Suwannee River reported its data on a per sampling event as submitted by their automated data collection systems. As a result they were not capturing the full costs as described in the paragraph above. Methodologies have been revised to capture the full costs.

The South Florida district now combines ground water sampling with surface water quality sampling.

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#### *Findings:*

District to district comparisons of data collection performance measures do not provide an accurate accounting for costs, nor do the results necessarily provide accurate measures. Methods used for calculating the data collection performance measures vary among the districts. The source of other inaccuracies is the fact that some districts use full-cost accounting and some determine costs solely on sampling events.

FEMA Map Modernization – the districts, as cooperating technical partners, work with FEMA to update Federal Insurance Rate Maps (FIRMs). If the districts were abolished, the FIRM map process would be done at the federal level without the benefit of local knowledge. This 5 year, \$5 million project is providing citizens with better maps and updating the maps to digital format to provide a mechanism for better long-term data management.

*Recommendations:*

This activity provides the scientific and technical data the districts rely on to implement their flood protection and various water resource protection efforts. Because of the importance of these efforts and the need for data in building and defining policy and decisions, the activity should be retained.

The districts should amend the procedures used to create the measures and adopt uniform reporting criteria.

**Activity: Technical Assistance**

*Activity Purpose:* To provide water resource information and technical expertise to other government entities to assist in comprehensive planning, development of regional impact sitings, and coastal zone management efforts.

*Activity Summary:* In general this activity provides assistance to local, state, tribal, and federal entities on water supply planning, water quality, natural systems protection and flood protection. Included in this is the implementation of the statutory requirements<sup>31</sup> that the districts assist local governments in the development and revision of local government comprehensive plan elements or public facilities reports. The districts are directed to accomplish this by supplying specific types of information, such as a description of regulations and programs, surface water basins, flood-prone areas, groundwater characteristics including existing and planned wellfields, and an identification of existing and potential land acquisitions.

*Measures of Performance:* There are no performance measures for this activity.

*Findings:*

This activity provides the technical assistance needed by local governments for their various planning efforts.

*Recommendations:* Staff recommends that the activity be retained because the development of data concerning water systems is an important mission of the districts and also because of the importance of accurate maps and, in turn, providing this information to local governments for planning purposes.

**Activity: Other Water Resources Planning and Monitoring Activities**

*Activity Purpose:* To address planning or monitoring activities not otherwise categorized.

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<sup>31</sup> See sections 373.0391, F.S., 189.4156, F.S., and 163.3177(11)(d), F.S.

*Activity Summary:* No specific activities were reported by the districts.

*Performance Measures:* There are no performance measures for this activity.

*Findings:* The activity is not utilized by any of the districts.

*Recommendations:* The activity should not be retained and staff of the districts should work with the DEP and the Executive Office of the Governor to adjust budget reporting requirements appropriately.

**Program: Acquisition, Restoration and Public Works**

*Description:* This program includes the development and construction of all capital projects (except those included in Operation and Maintenance of Lands and Waters), including water resource development projects/water supply development assistance, water control projects and support and administrative facilities construction; cooperative projects; land acquisition (including Florida Forever/Save Our Rivers); and the restoration of lands and water bodies. As evidenced by the figures below, this program represents the largest single program for all of the districts.

District	FY 05/06 (Actual)	Percent of Total Budget	FY 06/07 (Actual)	Percent of Total Budget	FY 07/08 (Estimated)	Percent of Total Budget	FY 08/09 (Adopted)	Percent of Total Budget
Northwest	\$27,171,750	73%	\$13,026,792	50%	\$77,290,946	60%	\$63,098,607	53%
Suwannee	\$40,689,163	56%	\$17,646,389	38%	\$45,592,737	56%	\$36,942,459	53%
St. Johns	\$72,262,585	47%	\$191,800,831	68%	\$342,034,266	77%	\$262,566,813	70%
Southwest	\$88,847,412	46%	\$92,480,421	46%	\$214,723,132	56%	\$214,443,747	58%
South	\$596,285,953	62%	\$947,863,585	66%	\$772,872,798	60%	\$2,539,148,966	85%

**PROGRAM BUDGET BY FUNDING SOURCE (AS A PERCENT)**

Source	Northwest Florida	Suwannee River	St. Johns River	Southwest Florida	South Florida
Non-dedicated Revenues		>1	51	73	7
Ad Valorem Taxes					3
Local Revenues			1	>1	
Agriculture Privilege Taxes					2
Carryover	19	29			7
Florida Dept. of Transportation – Mitigation	16		>1	1	
Ecosystem Management Trust Fund	10	16	16	>1	>1
Water Management Lands Trust Fund	2	2	4	5	1
Florida Forever Trust Fund	36	41	11	11	1
State General Revenue				7	
Other State Revenue		9	1	>1	7
Water Protection & Sustainability Trust Fund	16	>1	13	>1	2
Save Our Everglades Trust Fund					4
Federal Revenues		2	3	>1	>1
Miscellaneous Revenues	1	>1		>1	>1
Certificates of Participation, Acceler8					78

**FUNDING ALLOCATIONS BY PROGRAM ACTIVITY (AS A PERCENT)**

Program	Northwest Florida	Suwannee River	St. Johns River	Southwest Florida	South Florida
Land Acquisition	11	63	9	8	
Water Source Development	30	18	49	70	>1
Surface Water Projects	58	19	37	19	99
Other Cooperative Projects			4		>1
Facilities Construction & Major Renovations	1		>1	1	>1
Other Acquisition & Restoration Activities				2	

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The variations noted in the above chart are a direct result of how the districts track and allocate their expenditures. For example, the South Florida district stopped budgeting to Land Acquisition and now allocates all land acquisition under the Surface Water Projects Activity where they have their specific restoration program. Other districts segregate their land acquisition into the specific activities that contain the program for which the land was acquired.

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### **Activity: Land Acquisition**

*Activity Purpose:* To acquire the necessary real property interests.

*Activity Summary:* This program covers the general acquisition efforts of the districts to provide for flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resource and water supply development, and preservation of wetlands, streams and lakes. This activity does not include those acquisitions specifically undertaken or labeled as “water resource development projects” or “surface water projects.”

Specific authority and guidance for land acquisition efforts by the districts is detailed in s. 373.139, F.S., which authorizes the districts to:

“..acquire in fee or less than fee title to real property, easements and other interests or rights therein, by purchase, gift, devise, lease, eminent domain, or otherwise for flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes.”

Other provisions of this section include: planning requirements, appraisal procedures, methods for DEP to release funds, surplusing authority, and rulemaking guidance.

The most significant actions undertaken within this activity relate to the Florida Forever program. Established in s. 259.105, F.S., the Florida Forever program is a multi-faceted state land acquisition program. The traditional annual funding level for the program has been \$300 million, either through bonds or other state funds or some combination thereof.

Provisions of the Florida Forever statute detail how the annual funds are to be distributed and for what purpose. Overall, 30% of the funds (\$90 million)<sup>32</sup> are directed to the districts for the acquisition of lands and capital project expenditures necessary to implement the districts’ acquisition priority list that is developed pursuant to s. 373.199, F.S. Funds are annually distributed to the districts, pursuant to s. 259.105(11), F.S. as follows:

Northwest Florida	7.5% equaling \$6.75 million.
Suwannee River	7.5% equaling \$6.75 million.
St. Johns River	25% equaling \$22.5 million
Southwest Florida	25% equaling \$22.5 million.

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<sup>32</sup> This figure and all others used for Florida Forever are based on the historic annual funding level of \$300 million. During the 2008 Legislative Session, the percentage distributed to the water management districts was reduced from 35% annually to 30% annually.



South Florida 35% equaling \$31.5 million.

Pursuant to the Florida Forever Act, 50% of the funds each district receives must be used for the actual acquisition of lands. The remainder can be used for the implementation of water resource development projects on public lands.<sup>33</sup>

The Florida Forever Act also provides for a series of goals and conditions that shall apply to the development of acquisition lists by the districts. These include:

- A finding that where compatible with the resource values of the land, water resource development projects can be located on public lands.
- That the goals shall seek to: protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state; and ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state.
- Authorizing water resource or water supply development projects provided certain conditions are met.

Aside from those Florida Forever Act provisions that provide general guidance to the districts for use in developing their annual work plans, s. 373.199, F.S., was created to specifically guide their development. These plans are required to detail the following information: a list of proposed projects; the status of projects including any modifications or additions since the original work plan, completed in 2001; land acquisitions completed during the prior year; surplus information; a summary of land management activities; and detailed budget and expenditure data concerning Florida Forever funds. This statute also requires that as a part of the work plan each project listing must contain specific information.<sup>34</sup>

The process of acquiring lands is handled by each district pursuant to s. 373.139, F.S., which grants them the authority to acquire real property. As a part of this authority, the districts were required to adopt acquisition rules which govern the process by which land is acquired; the selection and retention of outside appraisers, surveyors, and acquisition agents; and public notification. These rules were submitted to the Legislature prior to the 2001 Regular Session, reviewed and then allowed to take effect. Based on discussions with district staff, these rules are substantially identical to the process used by the DEP Division of State Lands.

*Measures of Performance:*

**LAND ACQUISITION PURCHASE PRICE  
AS PERCENTAGE OF APPRAISED VALUE**

The intent of the measure is to identify how efficient the public land buying process is relative to appraised value of properties acquired.

<b>Land Acquisition</b>	<b>FY 03/04</b>	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Northwest	95	87	90	85
Suwannee River	83	87	70	78
St Johns River	84	91	98	86

<sup>33</sup> Section 259.105(2)(a)4., F.S.

<sup>34</sup> Subsection 373.199(4), F.S.

Southwest	96	95	93	95
South	116	108	102	110

*Findings:*

In general, the districts are acquiring lands at less than appraised value. According to district staff, the rates South Florida is paying reflect recent real estate market conditions and their expedited efforts to secure the necessary land for CERP and other restoration projects.

Pursuant to the authority granted by s. 373.139, F.S., each district has developed its own acquisition staff. These staffs are performing functions similar to those performed by the DEP's Division of State Lands. Although the acquisition staffs perform similar functions, they deal with different properties and missions.

Abolishing this activity would have both financial and process implications. From a financial standpoint, the districts utilize land acquisition funds to leverage their other revenue sources to acquire the land necessary to fulfill their mission. From a process standpoint, land acquisition functions would have to be assumed by the state.

Land acquisition is an important activity that allows the districts to meet their responsibilities for providing adequate sources for future water supplies and for protection of current water supplies. Aside from water supply responsibilities the districts' flood protection mission is substantially enhanced through this activity.

*Recommendations:* For the reasons detailed in the findings, staff recommends that the activity be retained and the Legislature consider addressing the duplication issue by commissioning an interim report or directing OPPAGA to evaluate the rules used by DEP and the districts for acquisition. This study should also include desk audits to see how each acquisition office operates from a policy and procedures aspect with the goal of determining if organizational efficiencies could be gained.

**Activity: Water Source Development**

*Activity Purpose:* To identify, fund and implement regional water resource development. To provide funding assistance to water users to increase the amount of water available to meet water demands.

*Activity Summary:* This activity includes the development and construction of all capital projects (except for those contained in Operation and Maintenance of Lands and Works program area), including water resource development projects/water supply development assistance, water control projects, and support and administrative facilities construction, cooperative projects, land acquisition and the restoration of lands and water bodies. This activity has three components.

Water Resource Development Projects: are those which encompass regional projects designed to create, from traditional or alternative sources, an identifiable, quantifiable supply of water for existing and/or future reasonable-beneficial uses. These projects do not include the construction of facilities for water supply development. Such projects may include the construction, operation and maintenance of major public works facilities that provide for the augmentation of available surface and ground water supply or that create alternative sources of supply (examples include aquifer storage and recovery, wetland augmentation, and desalination). These projects are to be specifically identified

in water management district regional water supply plans or district water management plans, as applicable.

Water Supply Development Assistance: represents the districts, provision of financial assistance for regional or local water supply development projects.

Other Water Source Development Activities: This component covers those water resource development activities and water supply development activities not otherwise captured in the previous categories.

Section 373.0831, F.S., defines the roles of the districts and local governments<sup>35</sup> in water resource development and water supply development. For the districts this provision directs:

That they take the lead in identifying and implementing water resource development projects, and take the lead in securing the necessary funding for regionally significant water resource development projects. However, they are not prohibited from providing assistance with water supply development.

Section 373.1961, F.S., (Water production; general powers and duties...), further defines the role of the districts in water supply. Provisions of this section:

- Direct them to engage in planning assistance to any water supply entity seeking to formulate plans to lessen the impacts on the state's water resources.
- Allow them to establish, design, construct, operate, and maintain water production and transmission facilities for the purposes of supplying water to a water supply entity.
- Prohibit them from engaging in local water supply distribution.
- Permit them to acquire the necessary interests in real property for water production or transmission.
- Authorize them to issue revenue bonds to fulfill any purposes enumerated in Chapter 373, F.S.

For local governments this provision directs:

That they take the lead in identifying and implementing water supply development projects and are responsible for securing the necessary funding for these projects. However, they are not prohibited from providing assistance with water resource development.

In conjunction with establishing the roles of the districts and local governments, additional statutory requirements are:

Section 373.536(6), F.S., which requires each district as a part of its annual budgeting cycle, produce a water resource development work program. This program, which is updated annually and included in the district water supply plan contains a description of each current project including an estimate of the project cost by year, an estimate of the quantity of water the project will make available, a timeline for commencement and completion and a listing of specific project tasks if they have been developed.

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<sup>35</sup> For the purposes of this discussion the term "local government" includes regional water supply authorities and government-owned and privately owned water utilities.

Section 373.0831(4), F.S., which requires each district to give priority to providing water supply development assistance for those projects that are consistent with regional water supply plans and which meet one of the following: support establishment of a sustainable supply of water; provide substantial environmental benefits for water resources; or provide a significant boost to reuse, storage, recharge, or conservation efforts.

In addition to the general provisions related to water resource development and water supply assistance, the Legislature in 2005 created the Water Protection and Sustainability Program<sup>36</sup>. One of the main features of this program was to provide increased emphasis on alternative water supply development. In conjunction with the increased emphasis on developing alternative water supplies, dedicated funding was provided for these types of projects.<sup>37</sup> Funds provided are then distributed to the districts, pursuant to s. 373.1961(3)(b), F.S., as follows:

Northwest Florida	10%
Suwannee River	10%
St. Johns River	25%
Southwest Florida	25%
South Florida	30%

The districts are required, if possible, to match the state contribution on a dollar for dollar basis. Project funding costs are broken down as follows: 60 percent from the project applicant; 20 percent from the district; and 20 percent from the state.<sup>38</sup>

Section 373.1961, F.S., directs that the governing boards are to determine those projects that can be selected for this program. This section provides 12 factors<sup>39</sup> that are to be given significant weight by the boards. In addition, the boards are permitted to establish additional factors they deem relevant.

Since its inception three years ago the Water Protection and Sustainability Program has provided funding assistance to local water suppliers for the construction of 344 projects. Approximately 63 percent of these are reclaimed water projects and 20 percent were brackish groundwater projects. The districts estimate that when construction of these projects is complete they will create approximately 842 million gallons a day of new water, which is about 42 percent of the additional 2 billion gallons a day of water needed by 2025. Total construction cost for these projects is approximately \$3.8 billion. In its first three years funding under this program, including the required matches, will have provided about \$422 million.<sup>40</sup>

#### Other Water Source Development Activities

Pursuant to s. 373.207, F.S., each water management district was to develop a work plan which identifies the location of all known abandoned artesian wells within its area. The districts were then directed to ensure that each such abandoned well was plugged before January 1, 1992. The current efforts of the districts related to abandoned wells are detailed below.

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<sup>36</sup> Chapter 2005-291, Laws of Florida

<sup>37</sup> Section 201.15(1)(d), F.S. and 373.1961, F.S.

<sup>38</sup> Section 373.196(6)(a), F.S. and s. 373.1961(3)(e), F.S.

<sup>39</sup> Section 373.1961(3)(f) and (g), F.S.

<sup>40</sup> Learning from the Drought: Annual Status Report on Regional Water Supply Planning, Florida Dept. of Environmental Protection, August 2008.

The Southwest Florida program is referred to as QWIP which stands for “Quality of Water Improvement Program.” The program works to locate all known abandoned artesian wells within the district and take corrective action to ensure each is properly abandoned. During FY 2006-2007, the program resulted in the plugging of 271 wells, with an estimated 198 wells anticipated for FY 2007-2008. All QWIP activities are outsourced with the exception of administrative services.

St. Johns River reports plugging approximately 100 wells each year. The work is accomplished using a private sector water well construction firm working under contract with the district.

Suwannee River does not have a program to fund the abandonment of artesian wells. Upon discovery of non-compliance with s. 373.209, F.S., the district requires the well be brought into compliance.

The Northwest Florida district maintains an active artesian well abandonment program in order to ensure the proper plugging for newly discovered wells. The program also identifies and plugs other types of wells that are considered a threat to water resources.

South Florida ended their formal program in 1994 and now deals with them as they are found.

Another type of program funded under this activity is the Suwannee River’s “Quality Communities Program” which provides technical and financial assistance to local governments for the development and protection of public water supplies needed to meet current and future needs.

*Measures of Performance:*

The intent of these measures is to identify the efficiency of developing new water supplies.

**COSTS PER MILLION GALLONS A DAY  
FOR WATER SOURCE DEVELOPMENT**

<b>Water Resources Development</b>	<b>FY 03/04</b>	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Northwest	\$210,090	\$21,172	\$10,728	\$5,258
Suwannee River	\$0	\$0	\$0	\$0
St Johns River	N/A	\$418,790	N/A	\$2,436,075
Southwest	\$732,720	\$211,390	\$865,723	\$1,537,920
South	\$814,000	\$1,071,980	\$1,153,600	\$0

<b>Water Supply Development</b>	<b>FY 03/04</b>	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Northwest	\$48,620 - \$81,769	\$64,540 - \$88,744	\$35,520	\$724,519
Suwannee River	\$0	\$0	\$0	\$0
St Johns River	\$1,206,509	\$1,509,312	\$379,250	\$3,517,871
Southwest	\$2,472,820	\$1,213,371	\$912,868	\$3,101,110
South	\$3,800,000	\$6,000,000	\$43,100,000	\$38,100,000



**WATER MADE AVAILABLE  
BY  
WATER RESOURCE DEVELOPMENT  
IN MGD**

<b>District</b>	<b>FY 03/04</b>	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Northwest	0	0	9.0	28.0
Suwannee River	0	0	0	0
St Johns River	0	2.0	0	1.5
Southwest	0.2	0.5	1.6	0.6
South	2.3	3.2	2.6	0

**WATER MADE AVAILABLE  
BY  
WATER SUPPLY DEVELOPMENT ASSISTANCE  
IN MGD**

<b>District</b>	<b>FY 03/04</b>	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Northwest	0	6.0	0	1.2
Suwannee River	0	0	0	0
St Johns River	2.57	1.09	6.95	18.01
Southwest	2.20	69.40	4.0	37.9
South	99.0	66.0	171.0	63.3

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The nature of water source development is such that it often takes many years of effort and funds before water source development projects come on line. For water resource development projects in particular, costs on an annual basis are frequently associated with projects that do not yield water in that fiscal year. In the future, water resource development units may change substantially, as modeling and analyses are concluded and provide a complete assessment of withdrawals that may safely be made on a sustainable basis within the study area.

Water supply development assistance includes capital expenditures made as direct assistance for collection, production, treatment, and transmission of water. Thus, from one year to the next, the expenditures may vary considerably as they represent different projects. The amounts given for the current and previous years include initial analytical expenses and one-time capital expenditures for facilities development. The yields established, however, will continue long after the capital expenditure is complete. Thus, the cumulative cost per unit will be far lower than those given here.

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*Findings:*

As evidenced by the results, the implementation of the Water Protection and Sustainability Program greatly enhanced the efforts of the districts to create new sources of water by expanding upon existing efforts to provide a dedicated funding source for the development of alternative water supplies.

Based on information supplied by the districts, it appears that the original requirements of the artesian well program were met. However, they report that these types of wells continue to be found and thus they continue their efforts to identify and deal with these wells.

One of the four core areas of responsibility for the districts is water supply. This activity includes those programs and initiatives that the districts implement to meet this responsibility.

Failure to continue this activity would create a gap between the local governments and their ability to plan for and obtain future water.

Because water source development and water supply development are long-term investments where dollars are invested up-front and potential yields are sometimes not realized for years, any annual measurement of dollars spent and yield obtained will not give us an accurate relationship of dollars to gallons. In addition, grouping all types of project types together in order to develop this measure can skew the results.

*Recommendations:* Because water source development is the critical first step for developing future water supplies, the programs funded under this activity are critical to the districts meeting their core responsibility of water supply. For this reason, staff recommends this activity be retained.

The Legislature should evaluate the performance measures used for water source development. A new measure that provides details by project type and results could potentially assist the districts in determining which investments have the best return.

#### **Activity: Surface Water Projects**

*Activity Purpose:* To restore or protect surface water quality, flood protection, or surface water-related resources through the acquisition and improvement of land, construction of public works, and other activities.

#### *Activity Summary:*

The primary program implemented under this activity is the SWIM program. Created in 1987, this program<sup>41</sup> resulted from the state's recognition that water quality in surface water bodies was degrading or in danger of being degraded and that important functions, once performed by natural systems, were no longer being provided. The SWIM program identified functions to be maintained or improved. These include providing aesthetic and recreational pleasure for the citizens of the state; habitat for native plants and animals; and safe drinking water. The program requires each district to identify and maintain a priority list of water bodies of regional or statewide significance and develop plans and programs for the improvement of those water bodies. Water bodies identified by the districts are approved by the DEP including the addition of new water bodies or the removal of existing ones. The districts' SWIM programs act in concert with many other initiatives in order to enhance its effectiveness. These include planning, regulation, land acquisition, and cooperative funding ventures.

Funding for the SWIM program has been sporadic at best. For many years, there was no dedicated funding source. Until 1995, funding came from the state's general revenue fund. From 1996 to 2005, no designated funds were allocated from the state specifically for SWIM. Instead other trust funds, including DOT, Solid Waste Management, and the Water Management Lands were used subject to yearly approval by the Legislature. However, with the inception of the Water Protection and Sustainability Program in 2005, a dedicated funding source was established.

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<sup>41</sup> See ch. 87-97, L.O.F., and sections 373.451 through 373.4595, F.S.



This program provided 25% of the initial \$100 million for SWIM and then 10% of the annual \$100 million recurring funds thereafter. These funds are to be equally matched from the districts or local sponsors. The program also provided a distribution formula to the districts: 35% to South Florida; 25% to Southwest Florida; 25% to St. Johns River; 7.5% to Suwannee River; and 7.5% to Northwest Florida.<sup>42</sup> However, during the special session of the Legislature in October of 2007 this dedicated funding source was repealed.

Another program under this activity is the district's DOTs' wetlands mitigation responsibilities. In accordance with s. 373.4137, F.S., the DOT provides an annual district wide inventory of proposed road construction projects and their anticipated wetland impacts. This results in the DOT providing funding directly to the districts to be used for mitigation. The districts then develop an annual mitigation plan of proposed projects to compensate for those impacts. This mitigation program is an ongoing activity using state and other funds to restore existing lands and SWIM project sites.

In addition to the implementation of the SWIM and the DOT mitigation programs, many of the districts have their own unique surface water efforts. These are:

The most significant of these district sponsored initiatives are found in South Florida and include the Kissimmee River Restoration Project, the Northern Everglades and Estuaries Protection Program, the Florida Bay Program, the Everglades Forever Act, and CERP.

A Watershed Management Program, undertaken by Southwest Florida, which addresses flood protection, water quality and natural systems responsibilities. This includes design and implementation of physical improvements for the restoration and preservation of surface waters of regional and statewide significance (lakes, rivers, bays and estuaries), often in conjunction with local governments and others. Much of this is accomplished through Cooperative Funding, a 50/50 matching grant program, in which Basin Boards jointly cooperate with local governmental and other entities in water management programs and projects of mutual benefit to the water resource.

The Suwannee River district participates in the Suwannee River partnership. This partnership, formed in 1999, represents a coalition of state, federal and regional agencies, local governments, and private industry representatives working together to reduce nitrate levels in the river basin. Specific assistance and funding from the district goes to: springs protection and management; agricultural best management practices; and cost share efforts with other state and federal sources aimed at reducing nutrient loading from animal waste.

Within the St. Johns River district, efforts are underway to restore the Lower, Middle, and Upper basins of the St. Johns River. A significant number of initiatives related to this restoration are funded under this activity involving stormwater, reuse, and restoration projects.

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<sup>42</sup> Information in this paragraph came from the districts' submissions to the Joint Legislative Sunset Committee and the Senate staff analysis for CS/CS/CS/SB 444 (2005).

*Measures of Performance:*

**TOTAL ACRES RESTORED (ALL ACTIVITIES)**

The intent of the measures is to identify how efficiently land restoration is being achieved.

<b>District</b>	<b>FY 03/04</b>	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Northwest	1,555	1,213	1,944	3,360
Suwannee River	7,172	6,219	6,900	10,463
St Johns River	23	12	48	38
Southwest	667	3,755	738	1,108
South	6,743	11,521	5,709	581

**COST PER ACRE RESTORED**

<b>District</b>	<b>FY 03/04</b>	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Northwest	\$121	\$92	\$104	\$78
Suwannee River	\$342	\$138	\$151	\$244
St Johns River	\$9,710	\$11,461	\$6,381	\$11,258
Southwest	\$11,023	\$435	\$6,204	\$4,559
South	\$5,504	\$5,504	\$5,504	\$19,262

*Findings:*

The state's most significant restoration program, CERP, is a primary program under this activity.

The funding history for the SWIM program has been inconsistent.

Over the years the districts have continued to identify SWIM water bodies and develop restoration programs.

The SWIM program can be classified as a cousin to the TMDL program. While SWIM is directed to water bodies as a whole and the TMDL program focuses on water segments, they both share the goal of restoration. The TMDL program was established by the Watershed Restoration Act of 1999 (s. 403.067, F.S.) and authorizes the DEP to assess the quality of Florida's surface waters, identify pollutant-impaired waters, develop mechanisms to clean them up, and work with other parties to finance and implement those mechanisms. As discussed above, the SWIM program was the state's recognition that water quality in surface water bodies was degrading and that actions needed to be taken to address this situation.

Restoration costs can vary greatly depending on the condition of the lands or water bodies to be restored, the complexity of the restoration required the accessibility of the site, and other additional factors. Evidence of this can be seen in the Southwest Florida costs. According to the district, FY's 03/04, 05/06, 06/07 are high because of several large, complex estuarine restoration projects. The significantly lower cost in FY 04/05 was due to the inclusion of a project that restored some 3,200 acres by just changing past drainage practices that had been damaging wetlands.

Two district areas of responsibility are directly linked to surface water restoration: water supply and water quality.

Abolishment of this activity would have serious implications starting with CERP, which is a shared restoration program between the South Florida district and the federal government. Removal of district activities related to SWIM would have to be dealt with. District funding sources would need to be replaced and administration of the projects would have to be shifted. As discussed throughout this activity, there are a number of individual district-sponsored restoration initiatives that would have to be dealt with. Financial, technical and administrative features would have to be replaced.

*Recommendations:* Staff recommends this activity be retained. The restoration of water bodies has a significant impact on water quality and water supply.

Because of the inconsistent funding of SWIM and its relationship to the TMDL program, the Legislature should explore whether or not combining the two efforts would result in a more effective and focused effort on restoration of water bodies. To assist the Legislature, staff recommends that either an interim project be commissioned or a request made to OPPAGA to evaluate the environmental goals and statutory directives of the two programs.

#### **Activity: Other Cooperative Projects**

*Activity Purpose:* To provide cooperative efforts with other organizations.

*Activity Summary:* Activities addressed within this area are limited to non-water source development<sup>43</sup> cooperative efforts. Any projects that result in a capital facility that would be owned or operated by the districts are not included.

Only two districts reported any efforts under this activity. South Florida provides water conservation grants through the District's Water Savings Incentive Program (WaterSIP). The grants are awarded to governmental entities to help fund conservation projects related to the implementation of the regional water supply plan. Suwannee River reported using non-recurring funds to assist in the development of greenways in conjunction with federal Department of Transportation funds.

*Measures of Performance:* There are no performance measures for this activity.

#### *Findings:*

Only two districts reported expenditures under this activity: one for water conservation efforts and the other for planning assistance.

#### *Recommendations:*

This activity could be eliminated. Three districts have not utilized this activity, and their budgets do not indicate plans to use them. Of the two programs identified by the other districts, water conservation grants could be shifted to the Water Research Education activity in the Outreach and

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<sup>43</sup> Non-water source development projects are those aimed primarily at conservation or other similar efforts that seek to impact water demand and help avoid the need to find or create new water sources.

Public Education Program and greenways planning assistance could be shifted to the Land Management activity in the Operation and Maintenance of Lands and Works Program.

**Activity: Facilities Construction and Major Renovations**

*Activity Purpose:* To provide adequate facilities to enable the district to conduct business necessary to administer statutory duties.

*Activity Summary:* This program encompasses the districts' activities as they relate to the renovation, remodeling and replacement of facilities in order to maintain a safe and efficient work environment. Specifically, the districts utilize funds under this activity to implement their capital improvements plans.

Section 373.103, F.S., in defining powers that may be vested in the districts by DEP, authorizes the expenditure of funds for the planning, constructing, operating and maintaining of works of the districts.

*Measures of Performance:* There are no performance measures for this activity.

*Findings:* No districts are reporting for this activity.

*Recommendations:* Staff recommends that the activity be abolished and the district budgets be modified as appropriate.

**Activity: Other Acquisition and Restoration Activities**

*Activity Purpose:* To capture acquisition and restoration activities not otherwise included.

*Activity Summary:* No specific summary exists for this activity and only the Southwest Florida district reported any activity.

Southwest Florida identified their Regional Observation Monitoring Program. The program provides technical characterization of the districts' ground water resources by constructing long-term ground water level and quality monitoring sites and performing detailed hydrologic investigations in support of Water Resource Assessment Projects and other water resource management projects.

*Measures of Performance:* There are no performance measures for this activity.

*Findings:*

Only one district utilizes this activity.

As described by the Southwest Florida district, the monitoring program seems to be a data collection activity.

*Recommendations:* Staff recommends the following:

Southwest Florida should consider moving this program to the Research, Data Collection, Analysis and Monitoring activity under the Water Resources Planning and Monitoring program.

The districts in consultation with the Executive Office of the Governor should consider eliminating this activity.

**Program: Operation and Maintenance of Lands and Works**

*Description:* This program includes all operation and maintenance of facilities, flood control and water supply structures, lands and other works authorized by Chapter 373, F.S.

District	FY 05/06 (Actual)	Percent of Total Budget	FY 06/07 (Actual)	Percent of Total Budget	FY 07/08 (Estimated)	Percent of Total Budget	FY 08/09 (Adopted)	Percent of Total Budget
Northwest	\$2,839,600	8%	\$3,687,315	14%	\$14,351,287	11%	\$14,748,383	12%
Suwannee	\$13,907,610	19%	\$15,370,246	33%	\$21,249,148	26%	\$20,176,934	29%
St. Johns	\$15,781,535	10%	\$15,544,655	6%	\$19,215,551	4%	\$19,407,201	5%
Southwest	\$16,710,813	9%	\$16,310,875	8%	\$25,136,071	7%	\$27,405,804	7%
South	\$168,641,599	17%	\$228,323,206	16%	\$221,467,385	17%	\$208,283,260	7%

**PROGRAM BUDGET BY FUNDING SOURCE (AS A PERCENT)**

Source	Northwest Florida	Suwannee River	St. Johns River	Southwest Florida	South Florida
Non-dedicated Revenues			57	43	75
Local Revenues		19		>1	
Carryover	43	54			6
Water Management Lands Trust Fund	49	26	42	52	9
Florida Forever Trust Fund		>1			>1
Other State Revenue	1	>1	>1	4	3
Water Protection & Sustainability Trust Fund					
Save Our Everglades Trust Fund					
Federal Revenues		>1			
Miscellaneous Revenues	7			>1	7

**FUNDING ALLOCATIONS BY PROGRAM ACTIVITY (AS A PERCENT)**

Program	Northwest Florida	Suwannee River	St. Johns River	Southwest Florida	South Florida
Land Management	99	99	41	53	9
Works			17	22	75
Facilities	1	1	24	20	3
Invasive Plant Control			10	3	11
Other Operations & Maintenance Activities			8	2	2

**Activity: Land Management**

*Activity Purpose:* To provide for the management, restoration and preservation of ecosystems and habitat and provide compatible multi-purpose recreational uses for the public.

*Activity Summary:* Principal activities are the management of district lands acquired under the Save Our Rivers, Preservation 2000, Florida Forever land acquisition programs and DOT mitigation. The management goals, specifically detailed in s. 373.1391, F.S., direct that the lands be managed in such a way as to ensure a balance between public access, public recreation, and restoration and protection of their natural state and condition.

In addition to the broad management goals provided by s. 373.1391, F.S., a number of additional criteria are also detailed, these include:

- Each management plan must specifically address public recreational opportunities.
- Any property acquired with funds from sources other than the Florida Forever program be used for permissible water resource development and water supply development purposes provided certain conditions are met.
- Districts should seek to maximize the use of volunteers to assist in land management and the provision of other services.
- Authorizing and encouraging the districts to enter into cooperative land management agreements. In addition to this provision, s. 373.1401, F.S., gives the districts explicit authority to contract with a nongovernmental person or entity, federal, state, and local governments, and environmental non-profits, to provide for the management or maintenance of any property they own.
- Providing for water resource development projects, water supply development projects, stormwater management projects, linear facilities, and sustainable agriculture and forestry, on Florida Forever lands, if determined by the Governing Board that certain conditions are satisfied.

Also included in this activity are the requirements that the districts comply with s. 373.59, F.S., regarding payment in lieu of taxes to qualifying local governments.

*Measures of Performance:*

The intent of the measure is to determine how efficiently district-owned lands are managed.

**TOTAL LAND MANAGEMENT COSTS PER ACRE**

<b>Water Resources Development</b>	<b>FY 03/04</b>	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Northwest	\$14	\$14	\$16	\$19
Suwannee River	\$15	\$20	\$16	\$20
St Johns River	\$11	\$11	\$13	\$13
Southwest	\$19	\$19	\$19	\$17
South	\$19	\$23	\$21	\$25

**ACRES OF LAND MANAGED**

<b>Water Resources Development</b>	<b>FY 03/04</b>	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Northwest	197,061	200,678	206,853	206,943
Suwannee River	173,000	185,000	270,055	270,276
St Johns River	398,826	401,926	403,221	402,887
Southwest	306,665	328,517	328,522	369,911
South	563,257	573,322	520,088	528,016

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Cost of land management activities are usually relatively stable from year to year; however, costs can fluctuate due to the one time expense of major capital projects, natural events and other factors, especially material shortages for road repairs.

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*Findings:*

In discussions with district staffs concerning general land management issues we found:

Funding levels, while less than desired, provided sufficient funds to maintain the status quo.

A problem with controlling invasive plants stems not only from funding levels but from adjacent private property tracts continually infesting public lands.

Management plans are used to generate annual budget requests.

As evidenced, in the Findings for district wide issues, a significant amount of outsourcing has taken place which includes general land management functions.

Section 373.1391, F.S., has provisions concerning the ability to locate water resource and water supply development projects on district lands that are somewhat duplicative. One provision expressly applies to lands purchased with funds other than Florida Forever the other speaks to Florida Forever lands and all other lands.

All districts are meeting the requirements concerning payment in lieu of taxes.

The Northwest Florida district utilizes volunteers to supplement staffing in various programs. Specifically, they utilize unskilled labor to assist in cleanup and maintenance of lands, encourage community involvement in public education and recreational opportunities on district lands. Currently equestrian and hiker volunteers develop and maintain trails on district lands.

Through the Wetland Reserve Program, the Natural Resources Conservation Service (NRCS) owns five conservation easements on more than 32,219 acres of St. Johns River district land. The district currently manages those easements. If the district were abolished, those management responsibilities would likely revert to the NRCS. In the past 10 years, the district has obtained \$54 million in federal funding to purchase and restore lands through this program. It is possible that the sunset of the district would jeopardize future access to this funding source.

Aside from the federal funding losses noted above for land management, the state or other entities would be required to take over management of some 1.8 million acres in district managed lands.

The major issue for the districts is to assure, on an ongoing basis, adequate funding to maintain, manage and restore a growing amount of property. The districts supplement funding from the Water Management Land Trust Funds for their land use and management programs through sustainable agricultural and silvicultural practices, on both contractual and lease bases. In addition, greater public use of lands is likely to increase maintenance costs over time.

*Recommendations:* The districts acquire and therefore need to manage lands to ensure their ability to meet their core areas of responsibility; therefore, staff recommends that the activity be retained. Though the activity should be retained, staff also recommends that the Legislature review and amend s. 373.1391, F.S., as needed to clarify the apparent duplication concerning uses of district lands.



## **Activity: Works**

*Activity Purpose:* Operate and maintain district works, including canals, pump stations, levees, water control structures and water supply infrastructure in order to provide for flood control, water storage and supply, groundwater recharge, environmental restoration, navigability, and public access and recreation.

*Activity Summary:* As defined in s. 373.019(26), F.S., “works of the districts means those projects and works, including, but not limited to, structures, impoundments, wells, streams, and other water-courses, together with the appurtenant facilities and accompanying lands, which have been officially adopted by the Governing Board of the district as works of the district.” Once declared a “work of the district,” the district is allowed to regulate any activities that would connect to, withdraw water from, discharge water into, place construction within, or otherwise make use of such a declared work.

Adopted works of the districts are:

The Lake Jackson Stormwater Treatment Facility for Northwest Florida.

All projects for Suwannee River.

For St. Johns River this includes water control structures and levees in the Upper St. Johns River Basin and the Ocklawaha River Basin flood control projects, components of district restoration programs such as water control structures in the Lake Apopka and Lake Griffin flow-ways, and facilities and other infrastructure on district lands.

For Southwest Florida, most major rivers as well as some lakes and canal systems, in addition to areas purchased, and facilities, including structures, constructed as components of the Four River Basins Project. In addition most flood control structures and other facilities owned, operated and otherwise controlled, such as the Tampa Bypass Canal, Lake Tarpon Outfall Canal, Tsala Apopka Outfall Canal, Masaryktown Canal, and some intermediate systems.

For South Florida, over 1,969 miles of canals and levees, 500 water control structures, 50 pumping stations and 13 navigation locks, in addition to 755 smaller project culverts and weirs.

*Measures of Performance:* There are no performance measures for this activity.

### *Findings:*

According to information supplied by the districts, abolishment of this activity could result in federal intervention because of the districts’ responsibility for flood control structures, levees, and cooperative management agreements.

Though many works are projects originally built by the federal governments, the districts indicate that the government would not be able to re-assume management responsibilities due to lack of budget and personnel.

*Recommendations:* Works of the districts date back to the inception of the districts. The management of flood control structures, levees, and canals are intricate to the core areas of

responsibilities for the districts and important to public safety. For these reasons staff recommends that the activity be retained.

**Activity: Facilities**

*Activity Purpose:* To maintain the facilities necessary to provide an environment that enhances employee productivity by ensuring a safe, healthy and professional work place for conducting district business, and to operate and maintain facilities in a manner to ensure the most economical life-cycle costs.

*Activity Summary:* The facilities activity manages and maintains both owned and leased administrative buildings for the purposes of operating and maintaining district lands and works. Major budget items largely consist of recurring facility maintenance, inspection, and utility expenses.

*Measures of Performance:*

The intent of the measure is to assess the ongoing costs of operation and maintenance of the district's office and support facilities.

**COST PER SQUARE FOOT OF DISTRICT FACILITIES MAINTAINED**

	FY 03/04	FY 04/05	FY 05/06	FY 06/07
Northwest	\$4.73	\$6.46	\$5.59	\$9.39
Suwannee River	\$3.30	\$3.40	\$4.93	\$5.91
St Johns River	\$10.06	\$10.69	\$11.22	\$11.16
Southwest	\$11.22	\$11.08	\$12.75	\$15.09
South	\$6.95	\$7.42	\$8.30	\$10.22

*Findings:* It would appear that this activity is closely related to the Facilities Construction and Major Renovations activity under the Acquisition, Restoration Public Work program. The summary for that activity states that it encompasses district activities as they relate to the renovation, remodeling and replacement of facilities in order to maintain a safe and efficient work environment. That summary matches the activity purpose described above.

*Recommendations:* Staff recommends that the districts determine which program this activity should be tracked under and then in consultation with the DEP and the Executive Office of the Governor make the necessary budget reporting adjustments.

**Activity: Invasive Plant Control**

*Activity Purpose:* To control nonindigenous upland and aquatic plants on district and other public lands and waters; restore and protect natural resource values.

*Activity Summary:* The goal of the activity is to control invasive plants both in aquatic and upland settings. Authority for this activity comes from a series of statutes, most notably Part I, Chapter 369, F.S., which lays out the state's objectives for controlling aquatic plants. Provisions of this Part also give the Fish and Wildlife Conservation Commission (FWC) the specific authority to contract with the districts either for them to provide the service or for the district. Additional authority for the districts derives from s. 373.083, F.S., General powers and duties; s.

373.086, F.S., which allows the districts to undertake necessary management activities on “works of the district;” s. 373.1391, F.S., which gives specific guidance on how the districts are to manage lands; and s. 373.59, F.S., which expressly authorizes land management activities as allowable uses of Water Management Lands Trust Fund revenues.

*Measures of Performance:*

### **COST PER ACRE OF WATERBODIES MANAGED UNDER MAINTENANCE CONTROL**

The intent of the measure is to determine how efficiently invasive aquatic plants are being managed.

<b>District</b>	<b>FY 03/04</b>	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Northwest	\$0	\$0	\$0	\$0
Suwannee River	\$0	\$0	\$0	\$0
St Johns River	\$151	\$177	\$119	\$199
Southwest	\$28	\$30	\$36	\$27
South	\$123	\$226	\$314	\$284

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Aquatic plant management costs can vary significantly depending on the species being treated, control method utilized, water body type and climatic conditions. Treating one acre of water hyacinth (a floating plant) typically costs \$100 to \$200. Treating one acre of hydrilla (a submerged plant) may cost \$800 or more, while the cost of mechanically harvesting one acre of floating tussock averages several thousands of dollars. Therefore, annual per acre management costs will vary depending on the ratio of submerged to floating plant acres treated and amount of harvesting operations conducted.

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The intent of the measure is to determine how efficiently terrestrial plants are managed.

### **COST PER ACRE TREATED FOR INVASIVE TERRESTRIAL EXOTICS**

<b>District</b>	<b>FY 03/04</b>	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Northwest	\$0	\$0	\$0	\$0
Suwannee River	\$0	\$0	\$0	\$0
St Johns River	\$43	\$43	\$45	\$83
Southwest	\$19	\$48	\$40	\$32
South	\$256	\$130	\$184	\$233

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Several factors can cause invasive species control costs to fluctuate, including: species managed, control methods utilized, the acquisition of new properties containing infestations, climatic conditions and level of maintenance control.

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*Findings:*

No district reported funding issues with this activity.

In reviewing each district's utilization of this activity the staff found a series of different approaches and methods, including the following:

The Northwest Florida district does not implement an invasive aquatic plant or a large-scale invasive terrestrial plant management program. Aquatic plant management activities for the area are handled by the FWC. The district does, however, anticipate implementing a terrestrial plant management program in the near future for the recently acquired Perdido River Water Management Area.

The Suwannee River district reports that it is not a significant issue and thus contracts out as needed.

The St. Johns River district utilizes both in-house and contractual staff. In addition, they have a contract with FWC to perform these services on certain public lakes and rivers.

The Southwest Florida district reports that they utilize cooperative efforts with FWC and local governments.

The South Florida district, which has significant invasive plant issues, has entered into shared cost agreements with the FWC.

Abolishment of this activity would have some impact on the districts' ability to manage the problems of invasive plants. However, it would appear based on the use of outsourcing and cooperation with FWC that control of invasive plants is operating in an efficient manner.

*Recommendations:* The control of exotic species on district and other public lands continues to be a major statewide problem; because of this, staff recommends that this activity be retained.

**Activity: Other Operations and Maintenance Activities**

*Activity Purpose:* To perform critical duties in times of emergencies; exercise and administer statutory duties consistent with state and federal laws.

*Activity Summary:* The districts develop and implement comprehensive emergency management plans providing for coordination that will ensure an effective response to natural and man-made disasters and a quick return to normal operating conditions. This activity involves two efforts. One is the statutory requirement that a representative of the districts be assigned to the Emergency Operations Center of the Department of Community Affairs to provide coordination.<sup>44</sup> The other component of this activity is the districts' responsibilities to maintain their works in times of emergencies. The districts have developed emergency operation plans to accomplish this.

*Measures of Performance:* There are no performance measures for this activity.

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<sup>44</sup> See s. 252.365, F.S.

*Findings:* The districts are performing this function as statutorily required.

Abolishment of this function would increase the risk to the public of flooding during times of emergencies. Because the districts are responsible for the operation and maintenance of various works, they are the only entity with the expertise to plan and respond during times of emergencies.

*Recommendations:* Because of the seasonal risk of both hurricanes and fires in this state, it is important that emergency plans be in place. In addition, because of the significant amount of district work that has a direct relation to flood control, staff recommends this activity be retained.

**Program: Regulation**

*Description:* This program includes consumptive use permitting, water well construction permitting, water well contractor licensing, environmental resource and surface water management permitting, permit administration and enforcement and any delegated regulatory program.

District	FY 05/06 (Actual)	Percent of Total Budget	FY 06/07 (Actual)	Percent of Total Budget	FY 07/08 (Estimated)	Percent of Total Budget	FY 08/09 (Adopted)	Percent of Total Budget
Northwest	\$1,089,588	3%	\$2,066,302	8%	\$4,134,627	3%	\$3,983,146	3%
Suwannee	\$1,307,695	2%	\$1,635,915	4%	\$1,975,040	2%	\$2,014,230	3%
St. Johns	\$14,779,303	10%	\$16,552,371	6%	\$18,684,264	4%	\$18,397,106	5%
Southwest	\$16,280,764	9%	\$18,393,332	9%	\$21,643,445	6%	\$21,525,779	6%
South	\$15,436,855	2%	\$17,636,823	1%	\$23,583,319	1%	\$24,779,830	1%

**PROGRAM BUDGET BY FUNDING SOURCE (AS A PERCENT)**

Source	Northwest Florida	Suwannee River	St. Johns River	Southwest Florida	South Florida
Non-dedicated Revenues		41	100	85	100
Local Revenues					
Carryover					
Permit and License Fees	13	21		14	
Florida Dept. of Transportation – Mitigation					
Ecosystem Management Trust Fund		22			
Water Management Lands Trust Fund	6				
Other State Revenue	1	14		1	
State General Revenue	78				
Miscellaneous Revenues	2	2			

**FUNDING ALLOCATIONS BY PROGRAM ACTIVITY (AS A PERCENT)**

Program	Northwest Florida	Suwannee River	St. Johns River	Southwest Florida	South Florida
Consumptive Use Permitting	10	9	26	25	21
Water Well Construction Permitting & Licensing	13	8	4	5	
Environmental Resource and Surface Water Permitting	77	83	66	47	51
Other Regulatory and Enforcement Activities			5	23	28

*Overall Program Findings:*

All the districts are implementing an E-permitting system to provide online permitting application submittal, review and issuance of well construction, water use and ERP permits. Discussions with districts concerning this also found that all the districts are working in a coordinated effort to ensure compatibility among the systems.

Another overall permitting feature for the districts is the utilization of individual and general permits. General permits are, as the name implies, proposals that fall under some generic set of guidelines. These are normally simpler permits and in many cases issued by the district staff. Individual permits involve the more complex issues and are usually brought before the Governing Board.<sup>45</sup>

### **Activity: Consumptive Use Permitting**

*Activity Purpose:* The primary purpose is to ensure that the consumptive use of water is regulated. This is accomplished by ensuring that the use is reasonable/beneficial, consistent with the public interest, will not interfere with existing legal users, will not harm the water resources and is consistent with district objectives.

*Activity Summary:* The CUP program includes permitting, compliance and enforcement, and water shortage plan support and enforcement. Any entity or person that wants to use large amounts of water, except those exempted by statute or rule, are required to obtain a CUP. These permits are issued for a finite duration and, upon expiration, must be renewed.

Section 373.219, F.S., gives the districts the authority to define the requirements for issuance of these permits. Such requirements, however, must follow a set of conditions enumerated in s. 373.223(1), F.S. These conditions state:

That the applicants establish that the proposed use of water:<sup>46</sup>

- Is a reasonable-beneficial use as defined by Florida Statutes.
- Will not interfere with any presently existing legal use of water; and
- Is consistent with the public interest.

Pursuant to their rulemaking authority, each district has adopted rules that detail when and what type of permit (individual or general) an applicant may need.<sup>47</sup>

In general you need a permit if:

- ✓ You plan to withdraw more than 100,000 gallons per day, or
- ✓ The outside diameter of your groundwater well is six inches or larger, or
- ✓ The outside diameter of your withdrawal pipe from a surface water is four inches or larger, or
- ✓ Your total withdrawal capacity of your system is 1 million gallons per day or larger.

Some exceptions to these general guidelines exist. For the most part they are based on the individual hydrologic conditions of certain areas within the district.

Traditional exemptions for this permitting program include: single family homes or duplexes; fire fighting water wells; salt water use; or reclaimed water use.

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<sup>45</sup> See “Findings” discussion on pg. 22 of this report.

<sup>46</sup> These conditions are generally referred to as the “three-prong” test.

<sup>47</sup> See the following Florida Administrative Code rules for each district’s criteria: 40A-2 (Northwest Florida); 40B-2 (Suwannee River); 40C-2 (St. Johns River); 40D-2 (Southwest Florida); and 40E-2 (South Florida).

*Measures of Performance:*

The intent of the measure is to identify the efficiency and relative cost of permit processing, recognizing that the districts do not control the timing of applicant submissions nor the quality of the submissions, only the processing of the applications.

**COST PER CONSUMPTIVE USE PERMIT ISSUED**

	FY 03/04	FY 04/05	FY 05/06	FY 06/07
<b>Northwest</b>				
Permits Processed	101	150	148	119
Cost	\$2,798	\$1,929	\$1,929	\$2,093
Avg. days to act		36	42	48
<b>Suwannee River</b>				
Permits Processed	204	255	381	194
Cost	\$485	\$671	\$100	\$116
Avg. days to act	23	15	19	20
<b>St Johns River</b>				
Permits Processed	596	286	358	375
Cost	\$4,909	\$11,830	\$10,155	\$10,777
Avg. days to act	116	95	81	49
<b>Southwest</b>				
Permits Processed	628	565	585	613
Cost	\$5,162	\$6,011	\$5,782	\$6,085
Avg. days to act	33	35	35	44
<b>South</b>				
Permits Processed	1,717	2,122	2,415	3,806
Cost	\$2,418	\$2,349	\$2,168	\$1,330
Avg. days to act	70	70	67	68

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Cost figures are directly related to the complexity of the permit application. Many factors influence the cost of permit processing. Some factors can be tracked and accounted for, such as the cost of staff time; other factors such as the quality of materials submitted by the applicant cannot.

A single or a few highly complex or significantly incomplete permit applications, or an involved enforcement issue can skew or inflate the results of this measure by consuming a disproportionate share of staff time and district resources. Conversely, a series of smaller, less complex permit applications that take a minimum of staff time to process can skew the results of this measure in the other direction. Projects in areas with a complex hydrology or with critical water resource problems require much more scrutiny than projects in less complex settings.

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*Findings:*

Since consumptive use permitting is handled exclusively by the districts, there is no overlap with other agencies. On occasion, projects are located in proximity to district boundaries and may have water resource effects in more than one district. When appropriate, the districts enter into memorandums of understanding and the project is issued only one permit from one district.



Research on cost recovery and Governing Board action concerning consumptive use permits shows. (Cost data derived from FY 06/07 information)

District	Revenue	Cost to Issue	Cost Recovery Rate
Northwest	\$77,300	\$249,057	31%
Suwannee	\$23,480	\$143,352	16%
St. Johns	\$95,550	\$4,041,347	2%
Southwest	\$72,355	\$3,730,327	2%
South	\$2,000,342	\$5,545,843	36%

**Governing Board Actions on Consumptive Use Permits (Jan. 2006 to Dec. 2007)**

District	Board Votes	Approved	Denied	Modified Staff Rec.	Over-ruled Staff Rec.
Northwest	130	129	1	0	0
Suwannee	6	4	1	0	0
St. Johns	108	101	7	2	0
Southwest	97	85	0	0	0
South	295	236	59	0	0

Based on the data above it is clear that staff recommendations are adopted by the Governing Boards almost unanimously.

Based on the data above, it is clear that revenue generated from permits is not covering the cost of issuance. A review of district rules found that permit fees currently range from \$0 for minor modifications to over \$11,000. The fees vary between districts but are generally based on withdrawal rates and well size.<sup>48</sup>

Abolishment of the CUP program would leave the state's ability to control water usage in limbo. Steps would be required to fill the voids left by the absence of the permitting program. It would either have to be assumed by the DEP or other entities.

*Recommendations:* One of the districts' primary missions is to manage water. This permitting program is the tool that allows them to accomplish this mission. Because of this, staff recommends that the activity be retained.

As evidenced in the findings Governing Boards approve staff recommendations concerning CUP permits almost 100 percent of the time. Given this, the Legislature should consider adopting statutory guidelines that require final agency actions be delegated either through Governing Board action or in statute, to the Executive Directors.

The Legislature should consider establishing baselines for permit fees in order to ensure some acceptable level of cost recovery is achieved.

**Activity: Water Well Construction Permitting and Contractor Licensing**

*Activity Purpose:* Is to regulate the construction, repair and abandonment of water wells and the licensure of water well contractors in order to ensure that the public health and environment is protected.

<sup>48</sup> Florida Administrative Code chapters 40A thru 40E.

*Activity Summary:* Part III, Chapter 373, F.S., established the authority for the state to regulate wells. Originally placed with the DEP and then delegated to the districts in 1984, the statutes direct that established construction standards and reporting requirements be implemented by rule in order to ensure that newly constructed water wells do not cause uncontrolled water flow or degrade water quality. The districts issue licenses to water well contractors to ensure their understanding of state and district water well rules and regulations. The districts also issue water well construction permits and special condition permits in DEP delineated groundwater contamination areas.

*Measures of Performance:*

<b>COST PER WELL CONSTRUCTION PERMIT ISSUED</b>				
	FY 03/04	FY 04/05	FY 05/06	FY 06/07
<b>Northwest</b>				
Permits Processed	8,936	9,770	10,502	9,787
Cost	\$45	\$40	\$37	\$48
Avg. days to act				
<b>Suwannee River</b>				
Permits Processed	3,145	3,291	3,186	3,060
Cost	\$37	\$24	\$40	\$41
Avg. days to act	1	1	1	1
<b>St Johns River</b>				
Permits Processed	449	513	614	474
Cost	\$866	\$844	\$839	\$1,178
Avg. days to act	23	24	17	23
<b>Southwest</b>				
Permits Processed	11,645	12,826	13,443	10,538
Cost	\$69	\$65	\$69	\$91
Avg. days to act	1	1	1	1
<b>South</b>				
Permits Processed	244	172	170	149
Cost	\$302	\$445	\$469	\$556
Avg. days to act	1	1	1	1

*Findings:*

Section 373.302, F.S., explicitly states that the practice of constructing, repairing, and abandoning water wells, if conducted by incompetent contractors, is potentially threatening to the health of the public and to the environment. Further, this section goes on to indicate the Legislature's concern that this threat must be regulated.

Water well permit fees run from a \$10 to \$500 and vary between districts. The fee is based on whether or not the well is private or public and than what size the well will be.

Staff found that the districts do implement this program differently. A review shows that:

The Northwest Florida district implements the program with current staff and receives some \$60,000 annually from the DEP to help in administration of the additional well construction requirements of Chapter 62-524, F.A.C. In April 2008, the district streamlined the well permitting process by allowing contractors to pay fees electronically. Presently over 600 permits per month are paid electronically.

The Suwannee River district implements the program with current staff. However, they note an efficiency gain by recently allowing contractors to pay fees electronically.

The Southwest Florida district implements the program with current staff. However, they have delegated the program to Marion county.

Both the St. Johns River and South Florida districts have delegated significant elements of the program to county offices of the Florida Department of Health (DOH) or county/municipal resource management divisions. In the case of South Florida all 16 jurisdictional counties have accepted delegation; for St. Johns that number is 14 of 18. These delegations have led to consolidation of much of the duplication with local permitting programs. Delegation to the DOH has been authorized via DEP delegation of the Drinking Water Program to monitor municipal supply water quality. In addition, DOH offices in each county may perform post-construction testing of private potable wells for water quality pursuant to local ordinance. DOH, however, has no well construction authority. Municipalities and counties, at their discretion via local ordinance, may conduct their own water well construction permitting programs.

As a result of discussions with district personnel, staff found that this program is viewed much differently from district to district. For the more rural areas it provides a necessary regulatory tool to control water well contractors and to maintain an accurate inventory of what pipes are going into the ground. For urban areas the issue of pipes going into the ground is not significant because the vast majority of the public is on municipal systems. With relation to contractor qualifications, some of the districts felt that the local governments and the DOH were better equipped to administer this program.

The cost to issue these permits is as follows:<sup>49</sup>

District	Revenue	Cost to Issue	Cost Recovery Rate
Northwest	\$369,040	\$469,806	79%
Suwannee	\$126,180	\$111,298	113%
St. Johns	\$49,320	\$515,305	10%
Southwest	\$544,238	\$961,213	57%
South	\$16,400	\$82,897	20%

In the two districts that have delegated the program, cost of issuance was substantially higher and recovery rates are substantially lower. The St. Johns River district reports that their costs reflects the entire cost to implement the program, not just permit issuance. South Florida indicates that the reason for such high costs is a reflection of two factors, the first relates to the fact that wells in this region must extend to the Floridian aquifer and thus run an average of 1200 feet in depth and require expensive modeling before permitting, and secondly, they don't establish the fee structure each delegated program has authority to establish their own fees.

*Recommendations:* Because the districts have the primary role for monitoring and permitting the use of water it is critical they have the ability to monitor the activities of these individuals. For this reason, staff recommends that this activity be retained.

Because of the different implementation methods involving delegation, staff recommends that the Legislature commission additional studies to determine the efficiency and financial benefits that may occur from unifying water well implementation across district boundaries.

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<sup>49</sup> Data represents FY 06/07 activity.

Given the variance in the performance measure and explanations provided by the districts staff recommends that they discuss the methods used in development of the measure and develop specific guidelines.

**Activity: Environmental Resource and Surface Water Permitting**

*Activity Purpose:* To prevent harm to water resources through the regulation of the construction, alteration, maintenance and abandonment of stormwater management systems, dams, impoundments, reservoirs, appurtenant works or works.

*Activity Summary:* This program area known as Environmental Resource Permitting or “ERP” has now been delegated, in part, to all five of the water management districts. This program replaced the management and storage of surface waters (MSSW) and the dredge and fill permitting programs.

The Florida Environmental Reorganization Act of 1993 (ch. 93-204) created the ERP. Historically, the former Department of Environmental Regulation (DER) regulated dredging and filling activities in certain surface waters of the State under authority of chapter 403, F.S. The Management and Storage of Surface Water Program were historically implemented by the districts under ch. 373, F.S. The act stated that it was the intent of the Legislature to transfer the protection of wetlands and the permitting of wetlands impacts to ch. 373, F.S. The ERP was an attempt to consolidate responsibilities and requirements for former dredge and fill permits issued by the old DER with the management and storage of surface water permits issued by the districts. Also, decisions relating to the use of sovereign submerged lands (the responsibility of the old DNR and the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund) were to be included in the ERP.

Operationally the ERP program is now jointly implemented by the DEP through its district offices and the districts. Most of the ERP permits are issued by the districts; however large projects with statewide implications are issued by the DEP. Operating agreements between the DEP and the districts spell out which agency will process any given application. Under this division of responsibility, the DEP’s authorizations primarily address water quality, water quantity (flooding), and wetland impacts associated with single-family residences and small multi-family dwellings. The reason DEP retained the ERP for these types of developments is the agency’s historic dealings with landowners through the issuance of dredge and fill permits. Additional areas for which DEP retains ERP authority include: docks and marinas, mining, utility construction, coastal development, seaports, navigational dredging, other water-related projects that are not part of larger plans of a development, hazardous waste management facilities and solid waste management facilities that do not qualify for a general permit under ch. 403, F.S. In turn, the districts are responsible for all other activities that would need an ERP. Primarily these are large residential and all commercial developments.

Section 373.414, F.S., governs the specifics of the ERP program. Provisions of this section provide: the criteria to be considered when evaluating a permit request, rulemaking authority, specific criteria for certain types of activities, and variance and exemption provisions.

Section 373.4141, F.S., provides upon submittal of a permit request the districts have 30 days to determine and notify the applicant if the permit is considered complete. If not complete, a request for additional information is sent. The applicant’s response again triggers a 30 day review period where upon the districts could again ask for additional information. The applicant has the right to

challenge continued requests for additional information by filing a Chapter 120, F.S., administrative hearing request. Once the application is deemed complete by the district they have 90 days to act or the permit is issued by default.

*Measures of Performance:*

<b>COST PER ERP PERMIT ISSUED</b>				
	FY 03/04	FY 04/05	FY 05/06	FY 06/07
<b>Northwest<sup>50</sup></b>				
Permits Processed	N/A	N/A	N/A	N/A
Cost				
Avg. days to act				
<b>Suwannee River</b>				
Permits Processed	620	722	603	612
Cost	\$927	\$941	\$392	\$392
Avg. days to act	28	30	29	28
<b>St Johns River</b>				
Permits Processed	3,101	3,279	3,398	2,924
Cost	\$2,592	\$2,689	\$2,940	\$3,842
Avg. days to act	32	43	33	45
<b>Southwest</b>				
Permits Processed	3,214	3,709	3,631	3,808
Cost	\$1,956	\$2,039	\$2,102	\$2,401
Avg. days to act	33	32	33	34
<b>South</b>				
Permits Processed	2,130	2,445	2,464	2,229
Cost	\$4,620	\$4,171	\$4,319	\$4,959
Avg. days to act	59	63	61	63

*Findings:*

Potential overlap issues between the districts and DEP have been addressed through an activity based operating agreement. The operating agreement is allowed pursuant to s. 373.046, F.S., as a method to encourage governmental efficiency and to stream line the permitting process.

As cited in the program summary, some activities on sovereign submerged lands require a proprietary authorization from the Board of Trustees of the Internal Improvement Trust Fund (Governor and Cabinet) and may also require an ERP. The Board delegated authority to the districts to provide proprietary authorization for many activities on sovereign submerged lands associated with an ERP under review by the districts. This delegation has eliminated most cases, which required authorization from more than one entity. The Board reserved authority over large marina projects and projects with heightened public concern.

Aside from needing an ERP, many activities also need a permit from the ACOE. In order to address potential duplication and gain some efficiency, the state has explored the potential of receiving delegation of the federal wetlands regulation program administered by the ACOE. However, federal law prohibits the delegation of the program in certain navigable waterbodies which, as defined, would encompass a large portion of the state's waters. Therefore, the state is seeking what is referred to as a statewide programmatic general permit delegation from the ACOE. If the state regulations for wetland activities are considered sufficient enough to protect

<sup>50</sup> The Northwest Florida district did not have an ERP program during these years.

wetlands, then the ACOE would be able to delegate their program. However the state's efforts have been somewhat limited due to differences in federal and state methods for delineating wetlands.

Some local governments also implement wetland and stormwater permitting programs. In order to eliminate duplication with counties, chapter 373, F.S., allows delegation to counties which meet certain criteria. This delegation has occurred from the DEP and the South Florida district for portions of the ERP program in Broward County. The county administers the program pursuant to a delegation agreement with oversight from DEP and the district.

As a part of this report, staff interviewed a number of parties concerning the delegation issue. Discussions were held with district staff, the regulated community, local governments, and environmental interests. The overlap issues between local government permitting and the ERP have been identified as a significant issue concerning the time and effort required to receive the permit.

The reason mentioned most, by those administering the ERP program, for the lack of delegation was that counties did not want to take on the Chapter 120, F.S., administrative hearing requirements.<sup>51</sup> This opinion seems based on earlier experiences with counties that sought delegation but had no working knowledge or experience with Chapter 120, F.S., procedures and as a result terminated the attempts at delegation. However, in the intervening years many counties have developed sophisticated local environmental programs. Additionally, the DEP has now delegated a number of programs and permitting activities to local governments; examples include: petroleum tank clean-up and regulation; drinking water programs, domestic wastewater programs and the aforementioned ERP to Broward County. All of which require the local government to comply with Chapter 120, F.S.

In discussions with local government representatives, staff learned that they felt the primary reasons for lack of delegation derives from some historical problems, such as cited above, and the perception of a potential loss of district staff should the local government receive delegation and expand their program.

Another finding concerns the process by which ERPs are issued. Under DEP practices the final agency action comes from the Secretary. For the districts, final agency action is by the Governing Boards. The difference potentially results in 30 to 45 day delays as applicants who have district staff approval await the next Governing Board meeting. In addition to the extra days for final action, evidence indicates that once on the agenda the Governing Boards overwhelmingly approve staff recommendations concerning these permits.

#### **Governing Board Actions on Environmental Resource Permits (Jan. 2006 to Dec. 2007)**

<b>District</b>	<b>Board Votes</b>	<b>Approved</b>	<b>Denied</b>	<b>Modified Staff Rec.</b>	<b>Over-ruled Staff Rec.</b>
Northwest	N/A	N/A	N/A	N/A	N/A
Suwannee	130	85	43	0	0
St. Johns	574	495	79	11	1
Southwest	410	402	0	0	0
South	531	481	50	0	0

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<sup>51</sup> Chapter 120, Florida Statutes, is the Administrative Procedures Act. The act encompasses the procedures by which Florida government agency rules or actions can be challenged and litigated.

According to information in the districts' submissions to the Joint Legislative Sunset Committee, the responsibility that would potentially result in federal intervention if the districts were abolished is the ERP program. This program is shared with the DEP on an activity-based split most development activities that require an ERP are permitted by the district, including numerous multi-unit residential, commercial and other forms of development; whereas single family residential development, mining and other unique development projects are regulated by DEP. Administered under Chapter 373, F.S., the ERP program addresses a variety of resource objectives, including wetlands protection, protection of threatened and endangered species, water quality protection and the potential for impacting water quantity and flooding. In accordance with the State's authority under the federal Clean Water Act and the Operating Agreement Concerning Regulatory Programs for Activities in Wetlands and Other Surface Water between the ACOE, the DEP and the five water management districts, the issuance of an ERP constitutes certification of compliance with state water quality standards for federal licenses or permits issued by the ACOE under Section 404 of the Clean Water Act. If the districts were to sunset, the State, most likely through the DEP, would have to assume responsibility for permitting the activities currently handled by the districts in order to provide water quality certification to the ACOE through the issuance of ERPs. Additionally, pursuant to s. 373.428, F.S., for activities subject to federal consistency review under s. 380.23, F.S., the issuance of an ERP also constitutes the state's determination that the regulated activity is consistent with the federally approved Florida Coastal Management Program. Thus again, if the district were to sunset, the DEP would have to assume significantly greater ERP permitting responsibility in order to continue to provide coastal consistency determinations through the ERP program.

Beginning in 2006, the Northwest Florida district started the transition from the old Management of Surface and Storage Waters and dredge and fill permitting programs to the ERP. In 2006 the Legislature appropriated \$2.74 million in general revenue for the Phase I components of the ERP program. In 2007, the appropriation was increased to \$3.84 million from general revenue to cover the full implementation of the program. Approximately half of these monies will be expended on facilities costs to house the staff required and equipment and vehicles necessary to carry out the duties of the program. The statutes<sup>52</sup> provide that, if there is no appropriation to fund the ERP program in any given fiscal year, the law governing development activity in the district will revert to that which was in effect on April 1, 2006 (Pre-ERP).

As provided earlier in the agency budgets and described in the paragraph above, the Northwest District receives state general revenue funds to subsidize the operation of this permitting program. Because of the constitutional millage cap of 0.05 mills, this district is unable to generate sufficient ad valorem revenue to fund their programs. Based on a review of the district's budget, it would take a millage increase of 0.04 to replace the approximately \$4 million in general revenue funds.<sup>53</sup>

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<sup>52</sup> Subsection 373.4145(10), F.S.

<sup>53</sup> Based on budget data every 0.01 mill generates \$1,050,060. So an additional 0.04 mills would be expected to generate \$4,200,240.

Concerning permit cost recovery rates the data shows the following:<sup>54</sup>

District	Revenue	Cost to Issue	Cost Recovery Rate
Northwest	N/A	N/A	N/A
Suwannee	\$290,540	\$1,381,265	21%
St. Johns	\$3,146,362	\$9,990,816	31%
Southwest	\$2,645,354	\$9,143,877	29%
South	\$3,246,406	\$11,775,445	27%

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There is no data for the Northwest Florida district because they are transitioning to the ERP program.

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A review of district rules found that permit fees currently range from \$100 for minor impacts to the tens of thousands of dollars for significant developments. The fee structures for these types of permits are very detailed.<sup>55</sup>

Per discussions with the regulated community an issue often cited was the use of the request for additional information provision. Individuals felt that at times the districts would utilize this provision to unnecessarily delay making a permit decision. They are of the opinion that as currently written it does not level the playing field. A review of the provision (s. 373.4141, F.S.) indicates that part of the statement is correct, however, it also provides that the applicant can challenge the districts' additional requests for information by filing for a chapter 120, F.S., administrative hearing. Substantiation of this claim is difficult. The performance measure only gives the average days to act once the permit is deemed complete and the 90 day clock is running.

*Recommendations:* The permitting of activities in wetlands or sovereignty submerged lands has a direct relationship to water quality issues. As described earlier, one of the districts' core responsibilities is water quality. Because of the importance of water quality to water supply, staff recommends this activity be retained and the following modifications be considered by the Legislature.

Amend s. 373.441, F.S., (Role of counties, municipalities, and local pollution control programs in permit processing) to provide that delegation of the ERP program "shall" occur provided the local pollution control program meets specified criteria, such as those enumerated in s. 403.182, F.S., which contains specific delegation requirements for local programs seeking ch. 403, F.S. programs. Additionally, such delegation could be conditioned on approval by the Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission.

Modify the districts' operating agreements to direct that the Executive Directors of the districts be granted the authority to exercise final agency action for all ERPs.

The Legislature should consider the following for eliminating the general revenue subsidy to the Northwest Florida district. First, seek to change the constitutional limitation for the district from its current 0.05 mill to 1.0 mills. Such a change would equalize this district constitutional authority with the others. In conjunction with seeking the constitutional change the Legislature should also amend s. 373.509(3), F.S., to establish a statutory cap of 0.20 mills for the district.

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<sup>54</sup> Data represents FY 06/07 activity.

<sup>55</sup> Florida Administrative Code chapters 40A thru 40E.



The Legislature should consider establishing baselines for permit fees in order to ensure some higher level of cost recovery is achieved.

**Activity: Other Regulatory and Enforcement Activities**

*Activity Purpose:* To deal with regulatory and enforcement issues not otherwise categorized above.

*Activity Summary:* Components include staff support for various district initiatives in order to assure the integration of the regulatory function into comprehensive water resource management activities. The majority of effort involved with this program is administrative and information technology support to the other regulatory activities described in this budget entity.

Aside from the support services described above, only the South Florida district identified a regulatory issue under this activity. Pursuant to s. 373.4592, F.S., commonly referred to as the Everglades Forever Act, a mandate exists for the implementation of best management practices in the Everglades Agricultural Area and associated basins in order to control phosphorus. The design of this program is to ensure that the phosphorus loads discharged into the treatment areas meet the design levels. The district utilizes this activity designation to report on salary and benefit costs for staff and the contractual costs for water quality monitoring and analysis.

*Measures of Performance:* There are no measures for this activity.

*Findings:*

Though not cited as a specific program being implemented, the districts did submit information that indicates there is an overlap in the program regulating the underground injection of water. In 1972, s. 373.106, F.S., was enacted to authorize the districts to regulate the injection of water into underground formations. However, in 1983, the federal government delegated the UIC program, of the Safe Drinking Water Act to the DEP, which includes the regulation of aquifer storage and recovery projects. Because of this federal delegation, both the DEP and districts have authority to regulate this activity.

*Recommendations:* This activity should be retained because the districts do perform activities not related to the previously discussed regulatory programs. Functions under this activity provide the necessary support to other regulatory programs and help the district fulfill their requirements to consultant on various matters.

Amend or repeal s. 373.106, F.S. (Permit required for construction involving underground formations), to conform to the current federal delegation and state permitting program.

**Program: Outreach and Public Education**

*Description:* This program includes all environmental education activities, such as water conservation campaigns and water resource education; public information activities; all lobbying activities relating to local, regional, state and federal governmental affairs; and all public relations activities, including related public service announcements and advertising in any media.

District	FY 05/06 (Actual)	Percent of Total Budget	FY 06/07 (Actual)	Percent of Total Budget	FY 07/08 (Estimated)	Percent of Total Budget	FY 08/09 (Adopted)	Percent of Total Budget
Northwest	\$255,121	>1%	\$173,071	>1%	\$206,086	>1%	\$247,638	>1%
Suwannee	\$28,500	>1%	\$168,945	>1%	\$437,475	>1%	\$157,100	>1%
St. Johns	\$4,130,963	3%	\$5,229,861	2%	\$5,472,464	1%	\$5,290,224	1%
Southwest	\$4,514,871	2%	\$5,150,236	3%	\$5,626,562	1%	\$6,713,484	2%
South	\$7,548,222	>1%	\$7,344,020	>1%	\$7,047,934	>1%	\$5,786,920	>1%

**PROGRAM BUDGET BY FUNDING SOURCE (AS A PERCENT)**

Source	Northwest Florida	Suwannee River	St. Johns River	Southwest Florida	South Florida
Non-dedicated Revenues	32	100	94	96	100
Water Management Lands Trust Fund	34		6	4	
Other State Revenue	34				
Water Protection & Sustainability Trust Fund					

**FUNDING ALLOCATIONS BY PROGRAM ACTIVITY (AS A PERCENT)**

Program	Northwest Florida	Suwannee River	St. Johns River	Southwest Florida	South Florida
Water Resource Education	35	58	4	81	
Public Information	63	17	83	16	96
Public Relations					
Lobbying/Leg. Affairs/Cabinet Affairs	2	25	2	3	4
Other Outreach Activities			11		

**COST PER PERSON FOR OUTREACH EFFORTS**

District	FY 03/04	FY 04/05	FY 05/06	FY 06/07
Northwest	\$0.15	\$0.13	\$0.19	\$0.13
Suwannee River	\$0.33	\$0.51	\$0.38	\$0.50
St Johns River	\$0.98	\$1.03	\$0.90	\$1.13
Southwest	\$0.86	\$0.83	\$1.00	\$1.11
South	\$1.20	\$0.99	\$1.01	\$0.76

**Activity: Water Resource Education**

**Activity: Public Information**

**Activity: Public Relations**

(Note: In evaluating the districts' Reports to the Joint Legislative Sunset Committee and their budgets, staff determined that the districts are using these activities interchangeably.)

*Activities Purposes:* To educate the public and key stakeholder groups on the principles and practices of sound water resource management and how their individual behaviors can contribute to protecting water and related natural resources. An additional purpose is to publish the required notices concerning district actions and meetings.

*Activities Summary:*

Section 373.026, F.S., details a series of broad public information requirements of the DEP and the districts with regards to water issues. Provisions require:

That a central repository of all information be established and made available to the public.

That an annual bibliography of all water resource investigations conducted in the state be produced.

Cooperate in efforts to increase the exchange of ideas and knowledge.

Prepare and provide to the public current information relating to the water resources of the state.

Section 373.103, F.S., which enumerates specific powers which may be granted by the DEP to the Governing Boards, has a provision that allows the districts, at their discretion, to make expenditures for purposes of promotion, advertisement, and improvement of the program and objectives of the district. This provision also caps annual expenditures for this type of promotion at 0.25 percent of ad valorem revenues.

Section 373.185, F.S., which relates to the creation of local Xeriscape ordinances, also directs the districts to work with other governmental entities to promote, through educational programs and publications, the use of Xeriscape practices.

Additional public education directives are also found in: s. 373.1961, F.S., concerning water supply development and alternative water supply development; s. 373.250, F.S., and s. 403.064, F.S., concerning reuse of reclaimed water; s. 373.453, F.S., concerning the SWIM program; and s. 373.536, F.S., which details public noticing and hearing requirements for the districts budgets.

*Measures of Performance:* There are no performance measures for this activity.

*Findings:*

Pursuant to the requirements of s. 373.185, F.S., each district is involved in on-going public information campaigns concerning the promotion of Xeriscape practices as evidenced by visiting their websites and programs such as Florida Yards and Neighborhoods.

The Northwest Florida district's water resources education activities are directed at both student and adult populations and are designed to educate these groups about regional water issues. Water resources education activities include the WaterWays: Exploring the Northwest Florida's Florida Water Resources public middle school educational program and educational activities related to the SWIM program. A number of general publications, in particular those relating to water conservation, also are undertaken.

The Suwannee River district primarily relies on the district's website. However, they do participate with outside agencies to undertake media activities to educate the public on the Suwannee River Partnership.

The St. Johns River district has undertaken many efforts under these activities. Highlights include:

- Development of The Great Water Odyssey, an interactive, multidisciplinary classroom curriculum aimed at 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> graders.
- Implementation of a water conservation public awareness campaign.
- Website enhancements.
- Watershed Action Volunteer Program

The Southwest Florida district efforts include: participation in cooperative youth education programs throughout the district; support of exhibits in the Glazer Children's Museum of Tampa; Great Explorations Water Planet Pinellas exhibits; mini-grants to support water resources education in the schools; and the new Florida Water Star Gold program.

Efforts by the South Florida district utilize all forms of media on numerous water resource related issues with specific concentration on CERP, Acceler8, and Northern Everglades restoration programs.

As noted above s. 373.103(5), F.S., provides a cap on expenditures for "purposes of promotion, advertisement, and improvement of the program and objectives of the district." A review of the districts' budgets for this activity as it relates to the statutory directive that no more than 0.25 percent of ad valorem be dedicated shows the following:

District	Statutory Cap Amount	Outreach Program Budget
Northwest	\$12,453	\$247,638
Suwannee	\$15,050	\$157,100
St. Johns	\$341,549	\$5,290,224
Southwest	\$540,361	\$6,713,484
South	\$1,373,073	\$5,786,920

As can be seen in the chart, the districts would appear to be in direct violation of the statute. Staff solicited responses from each of the districts on this point and listed below are their interpretations.

Northwest Florida: Outreach is not "promoting the district." They indicate that their entire Outreach budget is dedicated to environmental education activities.

Suwannee River: Outreach activities are different than those activities cited in the statute. The district has created a specific budget code to track expenditures related to the

statutory cap. These expenditures include: employee health fair; staff awards; Governing Board workshop meals for staff and the public; groundbreakings; and water well contractor's continuing education workshops.

St. Johns River: The Outreach program is used to educate the public not to market or sell. They indicate that they do utilize some funds (roughly 0.09%) on marketing. These activities include participating in tradeshow and purchasing give-away items.

Southwest Florida: The district reports that this provision only applies to expenditures that directly promote the district.

South Florida: They interpret this to include only the direct promotion and advertising costs that improve and advance the district's programs and objectives. These would include things such as publication costs, advertising purchases, and sponsorships of water related events and conferences. Based on their review, total expenditures for these things are \$526,725 or 0.1%.

It is apparent from the district responses that they are interpreting this provision from a very narrow perspective, that being promotion of the district. However, the statute says more than that, it clearly talks about improving the program and objectives of the district. This could be interpreted as including any public education effort or advertising campaign designed at protecting or influencing behavior as it relates to water.

Pursuant to discussions with district staffs and in reviewing their submissions to the Joint Legislative Sunset Committee, many of them indicated that legal noticing requirements that require publication in newspapers could be done more efficiently and cost-effectively if amended to allow this noticing to occur electronically. Additionally, the districts indicated that they are the only agencies required to publish rulemaking in the Florida Administrative Weekly and also publish in newspapers of general circulation.

*Recommendations:* Public outreach plays an important role in communicating district policies and providing opportunities to educate the public on general water issues. This is especially evident in times of drought where communicating with the public is critical to help them understand water use limitations and influence behavior. Because of this, staff recommends the activity be retained but that a series of changes be considered.

As evidenced in the activity summary, water resource education, public information, and public relations are being treated interchangeably by the districts. Staff recommends that the districts in consultation with the DEP and the Executive Office of the Governor consider merging them for budgetary reporting purposes.

Based on the findings it is apparent that each district develops individual Outreach efforts. The Legislature should direct the DEP to evaluate all of the public education Outreach efforts and determine if a statewide approach to water education could provide greater efficiency.

The Legislature should consider modifying noticing requirements for rule development and certain procurement solicitation notices to allow electronic posting on a district website.

Based on the findings and districts' responses concerning the statutory budget cap on certain expenditures for promotion, advertisement, and improvement of the program and objectives of

the district the Legislature should consider amending the statute to clarify what specific types of expenditures are included and modify the cap as necessary.

**Activity: Lobbying/Legislative Affairs/Cabinet Affairs**

*Activity Purpose:* To promote water management district programs and objectives.

*Activity Summary:* Section 11.062(2), F.S., expressly permits the districts to utilize their employees to fulfill this activity. As a result they dedicate resources to requests for information from state legislators and legislative/committee staff, attend committee meetings and, as requested, provide information to members of the Congressional delegation.

*Measures of Performance:* There are no performance measures for this activity.

*Findings:* The districts entered into a multi-agency agreement with the DEP to fund one position, headquartered in Washington, D.C., to monitor and report on related federal legislative activity for the districts.

*Recommendations:* As evidenced by findings throughout this report, the federal government is a substantial partner in numerous activities undertaken by the districts. In addition to state/federal relations, the districts also need to maintain relationships with state and local policymakers. Because of the importance of these relationships staff recommends that this activity be retained.

**Activity: Other Outreach Activities**

*Activity Purpose:* To promote water management district programs and objectives with a goal of eliciting public involvement in district activities and projects through participation of volunteers.

*Activity Summary:* This is no specific program identified for this activity.

*Measures of Performance:* There are no performance measures for this activity.

*Findings:* The only district which reports for this activity is the St. Johns River. Efforts undertaken by the district include:

The Watershed Action Volunteer Program matches volunteers with trained specialists in order to develop additional individuals to help with water quality monitoring activities, such as taking field samples and surveying water bodies for sources of pollution. To date this program is in 14 of the district's 18 counties and has some 800 participants.

The Legacy Water Resource Program is a cooperative educational venture between the district and area schools. The goal is to utilize the public lands of the district as laboratories and classrooms. More than 15 schools in 11 of the district's counties are participating.

*Recommendations:* Public outreach plays an important role in communicating district policies and providing opportunities to educate the public on general water issues for this reason staff recommends that activity be retained with a recommendation that the districts in consultation with the DEP and the Executive Office of the Governor consider merging it into others for budgetary reporting purposes.

**Program: District Management and Administration**

*Description:* This budget entity includes all Governing Board and, where applicable, Basin Board support; executive support; management information systems; unrestricted reserves; and general counsel, ombudsman, human resources and risk management, finance, audit and administrative services.

District	FY 05/06 (Actual)	Percent of Total Budget	FY 06/07 (Actual)	Percent of Total Budget	FY 07/08 (Estimated)	Percent of Total Budget	FY 08/09 (Adopted)	Percent of Total Budget
Northwest	\$3,925,950	10%	\$4,116,258	16%	\$17,725,466	14%	\$21,771,524	18%
Suwannee	\$10,375,067	14%	\$6,840,611	15%	\$7,797,975	10%	\$7,735,822	11%
St. Johns	\$31,076,258	20%	\$34,797,956	12%	\$42,742,732	10%	\$50,115,860	13%
Southwest	\$33,187,506	17%	\$37,229,079	18%	\$52,692,973	14%	\$56,299,847	15%
South	\$91,316,631	9%	\$117,958,630	8%	\$117,653,824	9%	\$105,171,309	4%

**PROGRAM BUDGET BY FUNDING SOURCE (AS A PERCENT)**

Source	Northwest Florida	Suwannee River	St. Johns River	Southwest Florida	South Florida
Non-dedicated Revenues	100	100	99	98	95
Local Revenues			>1		
Carryover					
Miscellaneous Revenues				2	5

**FUNDING ALLOCATIONS BY PROGRAM ACTIVITY (AS A PERCENT)**

Program	Northwest Florida	Suwannee River	St. Johns River	Southwest Florida	South Florida
Administrative & Operations Support	50	27	46	38	47
Computers / Computer Support	8	15	28	30	29
Reserves	41	54	18	20	15
Tax Collector & Property Appraiser Fees	1	4	8	12	9

**Activity: Administrative and Operations Support**

*Activity Purpose:* Provide support to the Governing Board and Basin Boards, where applicable, retain agency staff and provide employee support services and systems to accomplish statutory objectives; provide employment benefits; establish a budget to undertake statutory activities.

*Activity Summary:* As described in the purpose this activity supports the districts' line organizations by providing executive direction, financial and human resources expertise, legal advice, counsel and representation, procurement, security management, risk management, and general support functions.

*Measures of Performance:* There are no performance measures for this activity.

*Findings:* None

*Recommendations:* Staff recommends that the activity be retained.

**Activity: Computers/Computer Support and Maintenance**

*Activity Purpose:* Provide information resources support to the Districts.

*Activity Summary:* This activity is responsible for districts' information technology infrastructure. It is comprised of information technology security, project management, geographical information systems, web development, desktop solutions, information technology services, applications development, systems administration, and network management.

*Measures of Performance:* There are no performance measures for this activity.

*Findings:* District operations have a need for significant technology support. Given the amount of science involved in addition to project management responsibilities the districts have a real need for technological support.

*Recommendations:* Because of the critical support role technology plays in the districts operations staff recommends that the activity be retained.

**Activity: Reserves – Undesignated reserves, contingency reserves**

*Activity Purpose:* The purpose of this activity is to fund programs and projects or emergencies of the districts or basins that occur outside the normal budget development process.

*Activity Summary:* Included in this program is the district's budget stabilization reserve, reserve for compensated absences (accrued compensated leave liability), reserve for employee pay adjustments and other undesignated contingency reserves. Additionally, where applicable, basin contingency reserves are budgeted by the Basin Boards to fund programs and projects or emergencies of the Basin Boards that occur outside the normal budget development process.

*Measures of Performance:* There are no performance measures for this activity.

*Findings:* Given recent property tax changes and budget shortfalls the stated reason for having reserve funds is appropriate. These funds will enable the districts to deal with most short term revenue impacts without significantly impacting their stated missions.

*Recommendations:* Staff recommends that the activity be retained.

**Activity: Tax Collector/Property Appraiser Fees**

*Activity Purpose:* Is to meet the statutory requirements of compensating county tax collectors and property appraisers for their services.

*Activity Summary:* As mandated by a series of statutes the districts and basins are required to pay fees to Property Appraisers and Tax Collectors for services rendered as a result of collecting district ad valorem taxes. Specific statutory directives are:

Section 192.091, F.S., provides that property appraisers and tax collectors are to be paid for services rendered.



Section 373.0697, F.S., specifically directs the basin boards to pay the property appraisers and tax collectors for services rendered.

Section 373.539, F.S., details the information that the districts are to submit to the property appraisers and tax collectors to aid in collecting ad valorem taxes.

*Measures of Performance:* There are no performance measures for this activity.

*Findings:* The districts and basins are performing this activity as explicitly required by state law.

*Recommendations:* Staff recommends that the activity be retained.

## **ADVISORY COUNCILS AND COMMITTEES REVIEW**

### **Land Management Review Teams**

*Description:* Created pursuant to s. 373.591, F.S., the districts have established land management review teams to conduct periodic management reviews of District lands to ensure that they are managed for the purposes for which they were acquired and in accordance with land management objectives. Section 373.591(1), F.S., establishes the membership of the teams. An annual report of the review team's findings is prepared for the Governing Boards.

The review teams are funded using District ad valorem taxes and from the Water Management Lands Trust Fund. Annual reported expenditures by each district are as follows:

The estimated annual cost for the St. John's River District is \$19,800 and is funded from ad valorem taxes and the Water Management Lands Trust Fund.

The estimated annual cost for the Southwest Florida District is \$10,300 and is funded from the Water Management Lands Trust Fund.

The estimated annual cost for the Northwest Florida District is \$5,000 and is funded from the Water Management Lands Trust Fund.

The estimated annual cost for the Suwannee River District is less than \$5,000 and is funded from the Water Management Lands Trust Fund.

The South Florida District reports no expenditures for the review teams.

*Findings:* These review teams are mandated by statute and modeled after other land management review teams utilized by state agencies pursuant to s. 259.036, F.S.

The review teams are fulfilling the statutory mission established for them and based on discussions with district staff provide valuable input regarding land management practices.

*Recommendations:* Land management is an important activity for ensuring district lands are maintained and available to be used. The ability to evaluate and review management activities helps in correcting deficiencies and improving efficiency for these reasons staff recommends that the review teams be retained.

### **DISTRICT SPECIFIC ADVISORY COUNCILS AND COMMITTEES**

As a part of the Sunset Review process staff was tasked with evaluating advisory councils and committees. To this end the OPPAGA staff undertook a review of these bodies. Detailed below are both the efforts of staff and material contained in the OPPAGA report.<sup>56</sup>

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<sup>56</sup> OPPAGA report to the Joint Legislative Sunset Committee, Water Management Districts Advisory Committees, September, 2007.

### **Harris Chain of Lakes Restoration Council (St. Johns River)**

*Description:* Created pursuant to 373.467, F.S., the Council acts as an advisor to the Governing Board to (1) review lake restoration and sport fish population recovery strategies for the lakes; (2) evaluate whether additional studies are needed; (3) explore possible sources of funding for restoration activities; and (4) provide an annual report on the progress of the restoration program and any recommendations for the next fiscal year. The Council meets on a monthly basis and has is required to file annual reports.

Pursuant to s. 373.467(1), F.S. the council consists of nine members appointed by the Lake County legislative delegation. The statute provides the specific appointment criteria for the members. These include: waterfront property owners; the sport fishing industry; an environmental engineer; someone with training in biology or another scientific discipline, an attorney, a physician, an engineer, and two at-large members of the county who do not meet any of the other qualifications.

In addition, the statute creates an advisory group to the council. The advisory group is made up of individuals from a series of educational and governmental agencies in order to assist the council in fulfillment of its duties.

Expenses of the Council are paid for from District ad valorem taxes and the Lake County Water Authority. The district reports that annual costs are approximately \$55,700.

#### *Findings:*

A review of the council's most recent annual report shows that they have made recommendations on numerous subjects considering the Lake. Areas of involvement include: establishment of lake levels; canal dredging; aquatic plant control; habitat restoration; sport fish restocking; TMDL and other pollution load issues; and general restoration. It is evident from the annual report that the council is very active.

Current law provides at least two mechanisms for the management and restoration of water bodies. The first and most common is the SWIM program. Under SWIM, the districts are empowered to develop and implement plans and programs for restoring and protecting water bodies of regional or statewide significance. This mission of the council would appear to be duplicative of the powers and duties of the district.

The second mechanism of the Watershed Protection Act (s. 403.067, F.S.) provides a process for establishing the TMDLs for water bodies determined, by DEP, to be impaired. As a part of establishing TMDLs, the DEP and the water management districts are charged with developing watershed or basin management plans which are designed to fully integrate the management strategies available for purposes of attaining water quality restoration. The mission of the council would appear to be duplicative of this process.

It is apparent from the statutes that there are well established processes and procedures for dealing with and identifying impaired or degraded water bodies in this state. In addition, the DEP and/or the Governing Boards have the authority to establish technical advisory groups as needed to assist them in fulfilling their restoration responsibilities.

Because current statutes are adequate to allow for soliciting input, it is unclear why lake-by-lake enactments are necessary. These types of Councils impact district funding, both on a small scale

for administration and a larger scale concerning restoration; they may also become obstacles to the DEP or districts in managing lake restoration on regional or statewide basis.

OPPAGA recommended the Council be continued.

*Recommendations:* Though it is evident that this Council has provided considerable advice to the district and various state agencies, the duplicative nature of its mission with that of the district leads staff to recommend that it be abolished and the district create a technical advisory committee to assist in ongoing and future restoration.

### **Ocklawaha River Basin Advisory Council (St. Johns River)**

*Description:* Created pursuant to s. 373.0693(8)(a), F.S., the Council was created in 1988 to replace the then existing Ocklawaha River Basin Board, which had been created as a separate taxing entity of the District. The Council was established to advise the Governing Board on water management issues affecting the Ocklawaha River Basin. The membership of the council is specified in s. 373.0693(8)(a), F.S.

Because the Council has not met in over 10 years there is no cost.

*Findings:* The council has been inactive for over a decade.

*Recommendation:* Staff and OPPAGA both recommend the abolishment of the council and repeal of s. 373.0693(8)(a), F.S.

### **Lake Panasoffkee Restoration Council (Southwest Florida)**

Created by the 1998 Legislature (Chapter 98-69, Laws of Florida) the Lake Panasoffkee Restoration Council was an effort to protect and restore the environmental and economic importance of the lake.

The council consists of seven voting members, appointed by the Sumter County Commission, and is comprised of: two representatives of lakefront property owners; one environmental engineer; one individual with training in biology or another scientific discipline; one attorney; one engineer; and one representative of the sport fishing industry.

The legislation also created an advisory group to the council which consists of representatives from various governmental entities and all of whom shall have training in biology or another scientific discipline.

Among its duties, the council reviews all audits and data specifically related to lake restoration techniques and sport fishing population recovery strategies. In addition, the council evaluates whether additional studies are needed; explores possible sources of funding in order to conduct restoration activities; and advises the Governing Board regarding lake restoration. The council is required to report annually to the Legislature.

In 2003 the council approved a final restoration plan. According the to the Southwest Florida water management district all restoration activities associated with the final plan will be complete by mid-October 2008. The total project cost is \$28.3 million. Funding partners and their contributions are: \$19.5 million from the state; \$1.1 million from the federal government; \$4.95

million from the district; \$2.25 million from the Fish and Wildlife Conservation Commission; and \$0.5 million from the DOT.

Expenses of the council are paid from ad valorem and were \$1,653 for FY 06/07.

*Findings:*

As evidenced in the description the council adopted a final restoration plan in 2003. The primary focus of the restoration efforts are a series of dredging projects. It is evident from the annual report that the council is very active.

Current law provides at least two mechanisms for the management and restoration of water bodies. The first and most common is the SWIM program. Under SWIM, the districts are empowered to develop and implement plans and programs for restoring and protecting water bodies of regional or statewide significance. Lake Panasoffkee is a designated SWIM water body. This mission of the council would appear to be duplicative of the powers and duties of the district.

The second mechanism of the Watershed Protection Act (s. 403.067, F.S.) provides a process for establishing the TMDLs for water bodies determined, by DEP, to be impaired. As a part of establishing TMDLs, the DEP and the water management districts are charged with developing watershed or basin management plans which are designed to fully integrate the management strategies available for purposes of attaining water quality restoration. The mission of the council would appear to be duplicative of this process.

It is apparent from the statutes that there are well established processes and procedures for dealing with and identifying impaired or degraded water bodies in this state. In addition, the DEP and/or the Governing Boards have the authority to establish technical advisory groups as needed to assist them in fulfilling their restoration responsibilities.

Because current statutes are adequate to allow for soliciting input, it is unclear why lake-by-lake enactments are necessary. These types of Councils impact district funding, both on a small scale for administration and a larger scale concerning restoration; they may also become obstacles to the DEP or districts in managing lake restoration on regional or statewide basis.

OPPAGA did not review this council.

*Recommendations:* Though it is evident that this Council has provided considerable advice to the district and various state agencies, the duplicative nature of its mission with that of the district leads staff to recommend that it be abolished and the district create a technical advisory committee to assist in ongoing and future restoration.

**Citrus/Hernando Waterways Restoration Council (Southwest Florida)**

*Description:* Created by the 2003 Legislature (Chapter 2003-287, Laws of Florida) and amended by the 2006 Legislature (Chapter 2006-43, Laws of Florida) the council is to address regional concerns for the health of Citrus and Hernando county waterways.

The council consists of fourteen voting members as follows: two waterfront property owners from each county; an attorney from each county; a member from the Board of Directors of the Chamber of Commerce for each county; an environmental engineer from each county; an

engineer from each county; and a person from each county with training in biology or another scientific discipline. The council is required to form two separate county task forces to develop plans for the restoration of all waterways within the two counties.

Specifically the council is to develop, review, evaluate and/or recommend plans for lake and river restoration techniques and sport fish population recovery strategies, shoreline restoration, sand and other sediment control and removal, exotic species management, floating tussock management or removal, navigation, water quality, and fish and wildlife habitat improvement. The council is also required to annually report to the Legislature.

In order to accomplish their mission, the council was given the powers and duties to: review audits and all data specifically related to lake and river restoration techniques and sport fish population recovery strategies, including any other data needed to address other restoration efforts for the lakes; evaluate the need for other studies; and explore all possible funding sources.

The legislation also created an advisory group to the council which consists of representatives from various governmental entities, all of whom shall have training in biology or another scientific discipline.

The council and component task forces have been meeting on a regular basis since 2004. The council's most recent report<sup>57</sup> has identified primary objectives for restoration efforts, these are: fish and wildlife habitat improvement, floating tussock management or removal, and sand/sediment removal.

Expenses of the council are paid from ad valorem and were \$28,360 for FY 07/08.

#### *Findings:*

The council is still relatively new and adjusting to the modifications made by 2006 legislation. As evident in their annual report they have been meeting and have identified a series of broad based goals to guide future efforts. In addition, the annual report includes the initial identification of potential projects.

Unlike other similar councils that are established with the intent of improving a specific water body this council has been given authority to review and advise on all water bodies in two counties.

Current law provides at least two mechanisms for the management and restoration of water bodies. The first and most common is the SWIM program. Under SWIM the districts are empowered to develop and implement plans and programs for restoring and protecting water bodies of regional or statewide significance. Lake Panasoffkee is a designated SWIM water body. This mission of the council would appear to be duplicative of the powers and duties of the district.

The second mechanism of the Watershed Protection Act (s. 403.067, F.S.) provides a process for establishing the TMDLs for water bodies determined, by DEP, to be impaired. As a part of establishing TMDLs, the DEP and the water management districts are charged with developing watershed or basin management plans which are designed to fully integrate the management

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<sup>57</sup> Citrus/Hernando Waterways Restoration Council, Report to the Legislature, November, 2007.

strategies available for purposes of attaining water quality restoration. The mission of the council would appear to be duplicative of this process.

It is apparent from the statutes that there are well established processes and procedures for dealing with and identifying impaired or degraded water bodies in this state. In addition, the DEP and/or the Governing Boards have the authority to establish technical advisory groups as needed to assist them in fulfilling their restoration responsibilities.

Because current statutes are adequate to allow for soliciting input, it is unclear why lake-by-lake enactments are necessary. These types of Councils impact district funding, both on a small scale for administration and a larger scale concerning restoration; they may also become obstacles to the DEP or districts in managing lake restoration on regional or statewide basis.

OPPAGA did not review this council.

*Recommendations:* Given the duplicative nature of its mission with that of the district, staff recommends that it be abolished and the district create a technical advisory committee to assist in ongoing and future restoration.

#### **Agricultural Advisory Committee (Southwest Florida and St Johns River)**

*Description:* The Agriculture Advisory Committee provides professional and technical input into district programs and activities including regulatory programs, rule revisions, water conservation activities, water resource planning, water resource and supply development projects, research and other water resource management projects that relate to the agricultural industry. Subject matter considered by the committee relates to statutory duties and responsibilities of the district. Committee members serve as liaisons with the district, maintaining communication with members of their organizations and conveying input from the organizations. In addition, the Committee acts as an education extension of the district by helping to disseminate information and by advising and assisting the district in education programs and projects. A function of the Committee is to provide two-way communication between the district and agricultural industry.

For Southwest Florida the estimated annual cost is \$11,300, funded using ad valorem revenues.

For St. Johns River the estimated annual cost is \$4,600, funded using ad valorem revenues.

*Findings:* Both committees maintain an active meeting schedule. The abolishment of the committees would lead to reduced input from the agricultural community.

*Recommendations:* Staff and OPPAGA both recommend retaining the committees.

#### **Public Supply Advisory Committee (Southwest Florida) Industrial Advisory Committee (Southwest Florida) Green Industry Advisory Committee (Southwest Florida) Environmental Advisory Committee (Southwest Florida) Well Drilling Advisory Committee (Southwest Florida)**

*Description:* The water management district has created these individual committees to provide professional and technical input into district programs and activities including regulatory programs, rule revisions, water conservation activities, water resource planning, water resource and supply development projects, research and other water resource management projects that

relate to the environment. Subject matter considered by the committees relates to the statutory duties and responsibilities of the district. Committee members serve as liaisons with the district, maintaining communication with members of their organizations and conveying input from these organizations. In addition, the committees act as an education extension of the district by helping to disseminate information and by advising and assisting the district in education programs and projects. A primary function of the committees is to provide two-way communication between the district and their respective communities.

The estimated annual cost of the Public Supply Advisory Committee is \$10,200 and is funded using ad valorem revenues.

The estimated annual cost of the Industrial Advisory Committee is \$7,300 and is funded using ad valorem revenues.

The estimated annual cost of the Green Industry Advisory Committee is \$7,300 and is funded using ad valorem revenues.

The estimated annual cost of the Environmental Advisory Committee is \$15,600 and is funded using ad valorem revenues.

The estimated annual cost of the Well Drilling Advisory Committee is \$10,200 and is funded using ad valorem revenues.

*Findings:* All of these advisory committees meet quarterly or as needed. District staff indicates that they fulfill a valuable public outreach function, both as a liaison to various regulated communities and as a forum for discussion potential district actions.

*Recommendations:* Staff and OPPAGA both recommending retaining these committees.

#### **Indian River Lagoon Basin Advisory Council (St Johns)**

*Description:* Established by the Governing Board, this council provides recommendations to the Governing Board related to the district's role in protecting and restoring the Indian River Lagoon, with particular emphasis on the implementation of the Comprehensive Conservation and Management Plan developed pursuant to the federal national estuary program and the Indian River Lagoon Surface Water Improvement and Management Plan developed pursuant to sections 373.451 – 373.4595, Florida Statutes.

The annual cost of the council is estimated by the district to be approximately \$2,240 and is funded from district ad valorem revenues.

*Findings:* The council met three times in the past year. Abolishment would reduce the technical input and communication with various entities active in the restoration efforts for the Indian River Lagoon. The Governing Board of the district reaffirmed the role of this council in a resolution adopted in May of 2008.

*Recommendations:* Staff and OPPAGA both recommend retaining the council.

#### **Water Resources Advisory Commission (South Florida)**



*Description:* The commission is an advisory body established by the Governing Board to provide advice to the Governing Board and the South Florida Ecosystem Restoration Task Force, and is utilized as a forum for improving public participation and decision-making on water resource issues in the district.

The commission is specifically tasked with: building consensus in the public and private sectors regarding water resource activities impacting south Florida; examining the effects of continued population growth, development and agriculture on the area's natural resources; assisting in the development of actions needed to restore, preserve, and protect the ecosystems while meeting water-related demands; and assisting in promoting and monitoring the implementation of its recommendations to the Governing Board.

The annual cost of the commission is \$300,000 and is funded from district ad valorem revenues.

*Findings:* The commission meets monthly and holds additional forums as necessary. District staff indicates this commission plays an important role in fulfilling their public outreach goals.

*Recommendations:* Staff and OPPAGA recommend retaining the commission.

## BASIN BOARDS

*Description:* Pursuant to s. 373.0693, F.S., any area within a water management district may be designated by the Governing Board as a subdistrict or basin.<sup>58</sup> Each designated basin shall be controlled by a basin board whose members shall be appointed by the Governor. Eleven basin boards exist in Florida: two in the South Florida Water Management District and nine in the Southwest Florida Water Management District. Basin Board members are unpaid citizen volunteers who are appointed to three year terms. Each Basin Board includes one person from each county within the basin, and there must be at least three members on each board. Each Basin Board has at least one member from the Governing Board that serves as the board's chair ex officio. The Basin Boards meet every other month. For Southwest Florida there are 44 Basin Board seats on the eight boards, excluding the Governing Board representatives.

The general role of the basin boards is to provide guidance for local programs and projects that are specific to the watershed basin they protect. They assist the water management districts in implementing their water protection missions. Similar to the districts, each basin board has four major areas of local responsibility: water supply, water quality, flood protection and natural systems. Each board is responsible for providing a local water management perspective, and to focus on water-related issues and projects.

Basin programs are financed primarily through ad valorem taxes. Each District Governing Board has the statutory authority<sup>59</sup> to levy a maximum tax rate of 0.5 mills (50 cents for every \$1,000 of property value) within each basin. These taxes are not in addition to the district's taxes but represent an allocation of the total authorized millage. As a part of the annual budgeting process, each Basin Board determines basin priorities and needs, develops projects to address local needs, and sets the necessary funding levels and corresponding ad valorem tax rates.

Basin budgets are developed, reviewed and approved by each of the respective Basin Boards and recommended to the Governing Boards for inclusion in the district budget. The Governing Boards have the responsibility of reviewing and adopting each basins budget including the proposed millage rate for the basin. Revenues available for budgeting by the basins are those raised from the basin specific property tax and cooperating partners.

Section 373.0695, F.S. details specific duties of the Basin Boards, aside from the budgetary responsibilities detailed above, these are:

- Preparation of engineering plans for development of water resources.
- Development of plans and guidance documents for operation of secondary water control facilities that connect to primary works of the basin.
- To provide approval of final construction plans of the district for works in the basin.
- Planning for and, upon request by local governments or water utilities, providing water supply and transmission facilities.
- Funds of the basin shall be used for: engineering services; plan preparation; construction of works; maintenance and operation of works; administrative and regulatory activities; land acquisition; and capital projects.

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<sup>58</sup> Provisions in s. 373.0693, F.S., designate several specific basin boards. In addition this section contains a provision that prohibits the creation of a subdistrict or basin board in the St. Johns River Water Management District unless created by the Legislature.

<sup>59</sup> See section 373.503(3)(c), Florida Statutes

### South Florida Water Management District

**Big Cypress Basin** includes Collier County and part of Monroe County, and is responsible for the operation, maintenance, planning and capital improvements for approximately 169 miles of canals and 46 water control structures.

The Basin Board consists of five members. Basin specific ad valorem taxes for FY 08/09 are 0.2265 mills which will generate approximately \$17.3 million.

**Okeechobee Basin** consists of the remaining areas of the water management district not contained in the Big Cypress Basin. The Governing Board of the water management district operates as the governing board for the Basin. Basin specific ad valorem taxes for FY 07/08 are 0.2797 mills which is rolled into the district rate for collection purposes.

### Southwest Florida Water Management District

Basin	# of Appointed Members	Adopted FY 08/09 Budget	Millage Rate
Alafia River	5	\$8,705,445	0.2163
Hillsborough River	5	\$20,343,824	0.2547
Northwest Hillsborough	5	\$10,937,125	0.2421
Coastal Rivers	5	\$9,559,418	0.1885
Pinellas-Anclote River	6	\$46,629,429	0.3600
Withlacoochee River	6	\$12,642,261	0.2308
Peace River	6	\$17,310,392	0.1827
Manasota Basin	6	\$23,973,594	0.1484

**Alafia River Basin** which covers 684 square miles in southern Hillsborough County and portions of western Polk County. The major rivers in the basin are the Alafia and the Little Manatee.

**Coastal Rivers Basin** which includes 809 square miles in the coastal areas of Citrus, Hernando and Pasco counties. The basin includes coastal wetlands and lowlands including several significant springs.

**Hillsborough River Basin** which covers an area of 742 square miles that includes portions of Hillsborough, Pasco and Polk counties. This river is a significant source of fresh water for Tampa Bay and also a primary drinking water source for the city of Tampa.

**Manasota Basin** covers an area of 1,318 square miles, entirely within Manatee and Sarasota counties. The Myakka River and Sarasota Bay are the principal water features of the basin.

**Northwest Hillsborough Basin** encompasses an area of 157 square miles within the northwest portion of Hillsborough County, but covers 73 lakes.

**Peace River Basin** covers an area of 3,030 square miles that includes portions of Polk, Hardee, DeSoto, Highlands and western Charlotte counties. The basin's most significant water features are the Peace River and its tributaries, and Charlotte Harbor, where the Peace River meets the Gulf of Mexico.

**Pinellas-Anclote River Basin** covers 369 square miles and is the most densely populated area in the water management district. The basin includes all of Pinellas County and a small portion of Pasco County south of the Anclote River. Most of the fresh water used in the basin is imported from Pasco County.

**Withlacoochee River Basin** at 2,000 square miles is the second largest of the water management district's basins. Within the basin are portions of Pasco, Sumter, Hernando, Citrus, Marion and Levy counties. The Withlacoochee River, with headwaters originating in the Green Swamp, is the area's principal water feature.

**Green Swamp Basin** the district's ninth basin is the Green Swamp, headwaters for four major rivers. Due to the hydrologic significance of this area, the Basin is administered directly by the Governing Board.

*Findings:*

In evaluating the basins' missions it is apparent that they operate in concert with and as extensions of the Governing Boards. Though not explicitly a duplication of the Governing Board they do develop budgets and establish priorities for specific hydrological areas, a function similar to what the Governing Boards do for the district.

At a glance the basin boards would appear to be a restriction on potential Governing Board decisions and create the possibility, because of the funding restraints created by their existence, to interfere with the missions of the Governing Board in seeking large-scale solutions.

Section 373.016(4)(a), provides the Legislatures declaration of policy with regards to water.

“(4)(a) Because water constitutes a public resource benefiting the entire state, it is the policy of the Legislature that the waters in the state be managed on a state and regional basis...”

Depending on how one defines regional, the basins may in fact run counter to this stated goal. From a state perspective, “regional” tends to mean “geographic.” Examples include the creation of the regional water supply planning process (discussed in detail earlier) and the creation of the Tampa Bay Regional Water Supply Authority. This authority, or Tampa Bay Water as it is commonly known, emerged from significant water wars in this area of the state. Created in 1998 it brought together an alliance of six governments in west-central Florida: Hillsborough County, Pasco County, Pinellas County, and the cities of New Port Richey, St. Petersburg, and Tampa. The basins however, are based on hydrologic areas, and as such may not be truly regional nor able to provide regional solutions.

During conversations with those districts that have basin boards the following additional issues were also shared:

- ✓ Basin Boards can serve as an effective intermediary between local constituencies and the Governing Board.
- ✓ They can provide a training ground for the development of future Governing Board members.
- ✓ They provide assistance to the Governing Board by acting as a filter for various project proposals, which can aid in the development of priority lists.

- ✓ Because of the sheer number of members serving, finding qualified and interested individuals can prove to be difficult.

Based on a recent OPPAGA report<sup>60</sup>, the cost to support the basin boards, as reported by the districts, is as follows: \$478,222 or \$60,000 per basin for Southwest Florida; and \$30,824 for South Florida.

*Recommendations:*

Upon review of the findings there appear to be a number of potential options for the Legislature.

The Legislature could repeal all basin boards and modifying, s. 373.0693, F.S., to prohibit them from being established. If adopted, this option would need to address ad valorem impacts and make the necessary adjustment to district ad valorem rates.

Given the difficulty in finding enough people to serve on the boards, the Legislature could amend s. 373.0693, F.S., to permit the ex-officio Governing Board member be an official voting member of the boards.

To promote regional solutions the Legislature could merge the following basins: Alafia River, Hillsborough River, Northwest Hillsborough, and Pinellas-Anclote River, into a single entity which would provide a better alignment with Tampa Bay Water.

Because the Governing Boards also serve as the Basin Board for the Green Swamp Basin and the Okeechobee Basin the Legislature should consider repealing them.

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<sup>60</sup> Governance of Florida's Water Management Districts, Sunset Memorandum, OPPAGA, December, 2007.

## CONCLUSION

The water management districts should be continued.

When viewed at their most basic level, the districts have four very distinct charges or areas of responsibility. These are:

- ✓ Water Supply
- ✓ Flood Protection
- ✓ Water Quality
- ✓ Natural Systems

The five water management districts were specifically created to manage the state's water supply and provide Floridians with flood protection. With the exception of the Army Corps of Engineers, which has some capacity to assist with flood protection, the districts are solely responsible for water supply and primarily responsible for flood protection. No other entity could oversee these critical areas without subjecting the state to significant hardship.

Some of the districts' activities in the areas of water quality and natural systems have been statutorily delegated while others were created within DEP under legislative authority. The state does not rely on the districts alone for these activities, such as permitting and restoration. These activities involve a high level of multi-party cooperative involvement; in some cases, activities have been implemented independently outside of the auspices of the districts. The "hardship" to the state if the districts lessened their involvement in water quality and natural systems would not be as significant as would district withdrawal from water supply and flood protection. However, there would be an impact and a resulting necessity to replace district resources, so decisions regarding retention should be carefully considered.

# APPENDIX

## A

### FLORIDA GOVERNMENT ACCOUNTABILITY ACT

## APPENDIX\_\_\_\_\_

### **FLORIDA GOVERNMENT ACCOUNTABILITY ACT**

11.902 Definitions.--As used in ss. 11.901-11.920, the term:

(1) "State agency" or "agency" means a department as defined in s. 20.03(2) or any other administrative unit of state government scheduled for termination and prior review under this chapter.

(2) "Advisory committee" means any examining and licensing board, council, advisory council, committee, task force, coordinating council, commission, or board of trustees as defined in s. 20.03(3), (7), (8), (9), (10), or (12) or any group, by whatever name, created to provide advice or recommendations to one or more agencies, departments, divisions, bureaus, boards, sections, or other units or entities of state government.

(3) "Committee" means any Legislative Sunset Review Committee appointed pursuant to s. 11.903.

(4) "Joint committee" means the Legislative Sunset Committee appointed pursuant to s. 11.903.

11.903 Legislative Sunset Review Committees and the Joint Legislative Sunset Committee.--

(1) The Senate and House of Representatives may, pursuant to the rules of each house, appoint one or more standing or select committees as Legislative Sunset Review Committees to conduct independent reviews for each house regarding the agency sunsets required by ss. 11.901-11.920.



(2) The Senate and House of Representatives shall appoint a Joint Legislative Sunset Committee for the purposes of overseeing the agency review process required by ss. 11.901-11.920 and of making recommendations to the Legislature.

(3) Members of the committees and joint committee shall serve at the pleasure of their appointing presiding officer for a term of 2 years each or until the next general election, whichever occurs earlier.

(a) The Legislative Sunset Committee established under this subsection shall be a joint committee composed of 10 members: five members of the Senate appointed by the President of the Senate and five members of the House of Representatives appointed by the Speaker of the House of Representatives.

(b) The presiding officer of each house shall appoint a chair who shall serve as co-chair of the joint committee established under this subsection. Each co-chair shall serve at the pleasure of the appointing presiding officer for a term of 2 years or until the next general election.

(4) If a legislative member ceases to be a member of the house from which he or she was appointed, the member vacates his or her membership on the committee or joint committee.

11.904 Staff.--The Senate and the House of Representatives may each employ staff to work for the joint committee on matters related to joint committee activities. The Office of Program Policy Analysis and Government Accountability shall provide primary research services as directed by the committee and

the joint committee and assist the committee in conducting the reviews under s. 11.910. Upon request, the Auditor General shall assist the committees and the joint committee.

11.905 Schedule for reviewing state agencies and advisory committees.--The following state agencies, including their advisory committees, or the following advisory committees of agencies shall be reviewed according to the following schedule:

(1) Reviewed by July 1, 2008:

(a) Statutorily created responsibilities of the Fish and Wildlife Conservation Commission.

(b) Department of Agriculture and Consumer Services.

(c) Department of Citrus, including the Citrus Commission.

(d) Department of Environmental Protection.

(e) Department of Highway Safety and Motor Vehicles.

(f) Water management districts.

(2) Reviewed by July 1, 2010:

(a) Department of Children and Family Services.

(b) Department of Community Affairs.

(c) Department of Management Services.

(d) Department of State.

(3) Reviewed by July 1, 2012:

(a) Advisory committees for the Florida Community College System.

(b) Advisory committees for the State University System.

(c) Agency for Workforce Innovation.

(d) Department of Education.

- (e) Department of the Lottery.
- (4) Reviewed by July 1, 2014:
  - (a) Agency for Health Care Administration.
  - (b) Agency for Persons with Disabilities.
  - (c) Department of Elderly Affairs.
  - (d) Department of Health.
- (5) Reviewed by July 1, 2016:
  - (a) Department of Business and Professional Regulation.
  - (b) Department of Transportation.
  - (c) Department of Veterans' Affairs.
- (6) Reviewed by July 1, 2018:
  - (a) Advisory committees for the State Board of Administration.
  - (b) Department of Financial Services, including the Financial Services Commission.
  - (c) Department of Revenue.
- (7) Reviewed by July 1, 2020:
  - (a) Department of Corrections.
  - (b) Department of Juvenile Justice.
  - (c) Department of Law Enforcement.
  - (d) Department of Legal Affairs.
  - (e) Justice Administrative Commission.
  - (f) Parole Commission.
- (8) Reviewed by July 1, 2022:
  - (a) Executive Office of the Governor.
  - (b) Florida Public Service Commission.

Upon completion of this cycle, each agency shall again be subject to sunset review 10 years after its initial review.

11.9055 Abolition of state agencies and advisory committees.--

(1) An agency subject to review by the Legislature shall be abolished on June 30 following the date of review specified in s. 11.905, unless the Legislature continues the agency or advisory committee; however, an agency may not be abolished unless the Legislature finds, pursuant to law, that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made for the transfer to a successor agency of all duties and obligations relating to bonds, loans, promissory notes, lease-purchase agreements, installment sales contracts, certificates of participation, master equipment financing agreements, or any other form of indebtedness such that security therefor and the rights of bondholders or holders of other indebtedness are not impaired.

(2) If the Legislature does not take action before the date of review to continue the agency or advisory committee, the agency shall submit its legislative budget request consistent with the provisions of chapter 216. Such agency shall continue to be subject to annual sunset review by the Legislature until the Legislature enacts legislation relating to the agency's continuation, modification, or termination.

11.906 Agency report to the Legislature.--Not later than July 1, 2 years preceding the year in which a state agency and its advisory committees are scheduled to be reviewed,

the agency shall provide the Legislature with a report that includes:

(1) The performance measures for each program and activity as provided in s. 216.011 and 3 years of data for each measure that provides actual results for the immediately preceding 2 years and projected results for the fiscal year that begins in the year that the agency report is scheduled to be submitted to the Legislature.

(2) An explanation of factors that have contributed to any failure to achieve the legislative standards.

(3) The promptness and effectiveness with which the agency disposes of complaints concerning persons affected by the agency.

(4) The extent to which the agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by those it regulates and the extent to which public participation has resulted in rules compatible with the objectives of the agency.

(5) The extent to which the agency has complied with applicable requirements of state law and applicable rules regarding purchasing goals and programs for small and minority-owned businesses.

(6) A statement of any statutory objectives intended for each program and activity, the problem or need that the program and activity were intended to address, and the extent to which these objectives have been achieved.

(7) An assessment of the extent to which the jurisdiction of the agency and its programs overlap or duplicate those of other agencies and the extent to which the programs can be consolidated with those of other agencies.

(8) An assessment of less restrictive or alternative methods of providing services for which the agency is responsible which would reduce costs or improve performance while adequately protecting the public.

(9) An assessment of the extent to which the agency has corrected deficiencies and implemented recommendations contained in reports of the Auditor General, the Office of Program Policy Analysis and Government Accountability, legislative interim studies, and federal audit entities.

(10) The process by which an agency actively measures quality and efficiency of services it provides to the public.

(11) The extent to which the agency complies with public records and public meetings requirements under chapters 119 and 286 and s. 24, Art. I of the State Constitution.

(12) The extent to which alternative program delivery options, such as privatization, outsourcing, or insourcing, have been considered to reduce costs or improve services to state residents.

(13) Recommendations to the Legislature for statutory, budgetary, or regulatory changes that would improve the quality and efficiency of services delivered to the public, reduce costs, or reduce duplication.

(14) The effect of federal intervention or loss of federal funds if the agency, program, or activity is abolished.

(15) A list of all advisory committees, including those established in statute and those established by managerial initiative; their purpose, activities, composition, and related expenses; the extent to which

their purposes have been achieved; and the rationale for continuing or eliminating each advisory committee.

(16) Agency programs or functions that are performed without specific statutory authority.

(17) Other information requested by the Legislature.

Information and data reported by the agency shall be validated by its agency head and inspector general before submission to the Legislature.

11.907 Legislative review.--Upon receipt of an agency report pursuant to s. 11.906, the joint committee may and the appropriate committee shall conduct a review of the agency and may direct the Office of Program Policy Analysis and Government Accountability to review the agency and its advisory committees, including an examination of the cost of each agency program, an evaluation of best practices and alternatives that would result in the administration of the agency in a more efficient or effective manner, an examination of the viability of privatization or a different state agency performing the functions, and an evaluation of the cost and consequences of discontinuing the agency. The reviews shall be comprehensive in scope and shall consider the information provided by the agency report in addition to information deemed necessary by the office and the appropriate committee or the joint committee. The Office of Program Policy Analysis and Government Accountability shall submit its report to the

Legislature in a timeframe prescribed by the committee requesting the review. The Office of Program Policy Analysis and Government Accountability shall include in its reports recommendations for consideration by the Legislature.

11.908 Committee duties.--No later than March 1 of the year in which a state agency or its advisory committees are scheduled to be reviewed, the committee shall and the joint committee may:

(1) Review the information submitted by the agency and the reports of any independent reviews directed by the committee, including those conducted by the Office of Program Policy Analysis and Government Accountability.

(2) Consult with the Legislative Budget Commission, relevant substantive and appropriations committees of the Senate and the House of Representatives, the Governor's Office of Policy and Budgeting, the Auditor General, and the Chief Financial Officer, or their successors, relating to the review of the agency and its advisory committees.

(3) Hold public hearings to consider this information as well as other information and testimony that the committee or joint committee deems necessary.

(4) Present to the President of the Senate and the Speaker of the House of Representatives a report on the agencies and advisory committees scheduled to be reviewed that year by the Legislature. In the report, the committee shall include its specific findings and recommendations regarding the information considered pursuant to s. 11.910, make recommendations as described in s. 11.911, and propose



legislation as it considers necessary. In the joint committee report, the joint committee shall include its specific findings and recommendations regarding the information considered pursuant to s. 11.910 and make recommendations as described in s. 11.911.

Note.--Substituted by the editors for a reference to s. 11.90 to conform to context. Section 11.90 relates to the Legislative Budget Commission; s. 11.910 relates to information relevant for determination of whether a public need exists for continuation of a state agency.

11.910 Information for review.--The committee may consider information submitted pursuant to s. 11.906 as well as any additional information it considers relevant in determining whether a public need exists for the continuation of a state agency or its advisory committees or for the performance of any of the functions of the agency or its advisory committees.

11.911 Committee recommendations.--

(1) In its report on a state agency, the committee shall:

(a) Make recommendations on the abolition, continuation, or reorganization of each state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees.

(b) Make recommendations on the consolidation, transfer, or reorganization of programs within state

agencies not under review when the programs duplicate functions performed in agencies under review.

(c) Propose legislation necessary to carry out the committee's recommendations under paragraph (a) or paragraph (b).

(2) In its report on a state agency, the joint committee shall:

(a) Make recommendations on the abolition, continuation, or reorganization of each state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees.

(b) Make recommendations on the consolidation, transfer, or reorganization of programs within state agencies not under review when the programs duplicate functions performed in agencies under review.

#### 11.917 Procedure after termination.--

(1) Any unobligated and unexpended appropriations of an abolished agency or advisory committee shall revert on the date of abolition.

(2) Except as provided in subsection (4) or as otherwise provided by law, all money in a trust fund of an abolished state agency or advisory committee is transferred to the General Revenue Fund. Any provision of law dedicating the money to a trust fund of an abolished agency becomes void on the date of abolition.

(3)(a) If not otherwise provided by law, property in the custody of an abolished state agency or advisory committee shall be transferred to the Department of Management Services.

(b) If not otherwise provided by law, records in the custody of an abolished state agency or advisory committee shall be transferred to the Department of State.

(4) The Legislature recognizes the state's continuing obligation to pay bonds and all other financial obligations, including contracts, loans, promissory notes, lease purchase agreements, certificates of participation, installment sales contracts, master equipment financing agreements, and any other form of indebtedness, incurred by the state or any state agency or public entity abolished under ss. 11.910-11.920, and ss. 11.910-11.920 do not impair or impede the payment of bonds and other financial obligations, or any other covenant contained in the legal documents authorizing the issuance of debt or the execution of any other financial obligation in accordance with their terms. If the state or an abolished state agency has outstanding bonds or other outstanding financial obligations, the bonds and all other financial obligations remain valid and enforceable in accordance with their terms and subject to all applicable terms and requirements contained in the legal documents authorizing the issuance of debt or the execution of any other financial obligation. If not otherwise provided by law, the Division of Bond Finance of the State Board of Administration shall carry out all covenants contained in the bonds and in the resolutions authorizing the issuance of bonds, and perform all obligations required thereby. The state or a designated state agency shall provide for the payment of the bonds and all other financial obligations from the sources of payment specified in the resolution or legal documents authorizing the issuance or execution thereof in accordance with the terms of the bonds or other financial obligations, whether

from taxes, specified revenues, or otherwise, until the bonds and interest on the bonds are paid in full and all other financial obligations are performed and paid in full. All funds or accounts established by laws or legal documents authorizing the issuance of bonds, or the execution of other financial obligations, shall remain with the previously designated party, agency, or trustee. Any funds or accounts held by an abolished state agency shall be transferred to a designated successor agency or trustee in compliance with the resolution or legal documents applicable to the outstanding bonds or other financial obligations.

11.918 Joint Legislative Sunset Committee; powers; assistance of state agencies.--

(1) The Joint Legislative Sunset Committee may take under investigation any matter within the scope of a sunset review either completed or then being conducted by the joint committee, and, in connection with such investigation, may exercise the powers of subpoena by law and any other powers vested in a standing committee of the Legislature pursuant to s. 11.143.

(2) The joint committee may access or request information and request assistance of state agencies and officers. When assistance is requested, a state agency or officer shall assist the joint committee.

11.919 Assistance of and access to state agencies.--

(1) The committee may access or request information and request the assistance of state agencies and officers.

When assistance is requested, a state agency or officer shall assist the committee.

(2) In carrying out its functions under ss. 11.901-11.920, the committee or its designated staff member may inspect the records, documents, and files of any state agency.

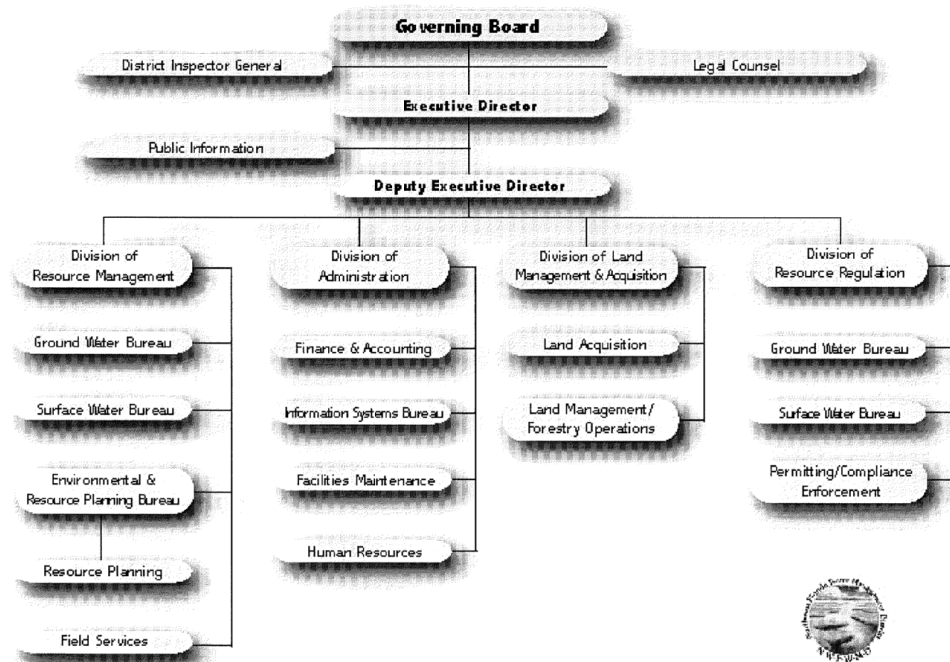
11.920 Saving provision.--Except as otherwise expressly provided by law, abolition of a state agency does not affect rights and duties that matured, penalties that were incurred, civil or criminal liabilities that arose, or proceedings that were begun before the abolition.

# APPENDIX

## B

### DISTRICT ORGANIZATIONAL CHARTS

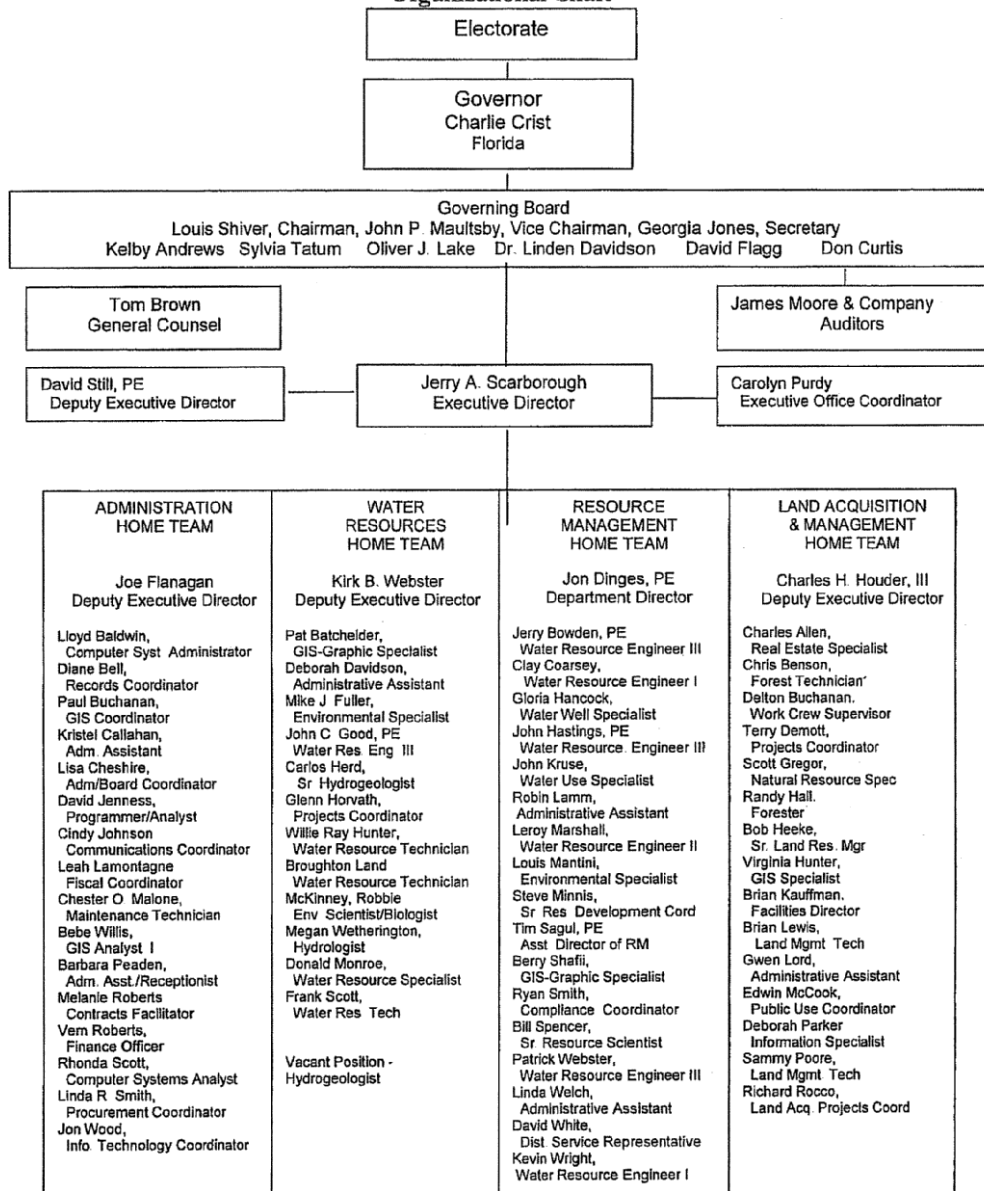
Northwest Florida Water Management District  
Organizational Chart



Effective 10-01-07  
Updated 10-01-07

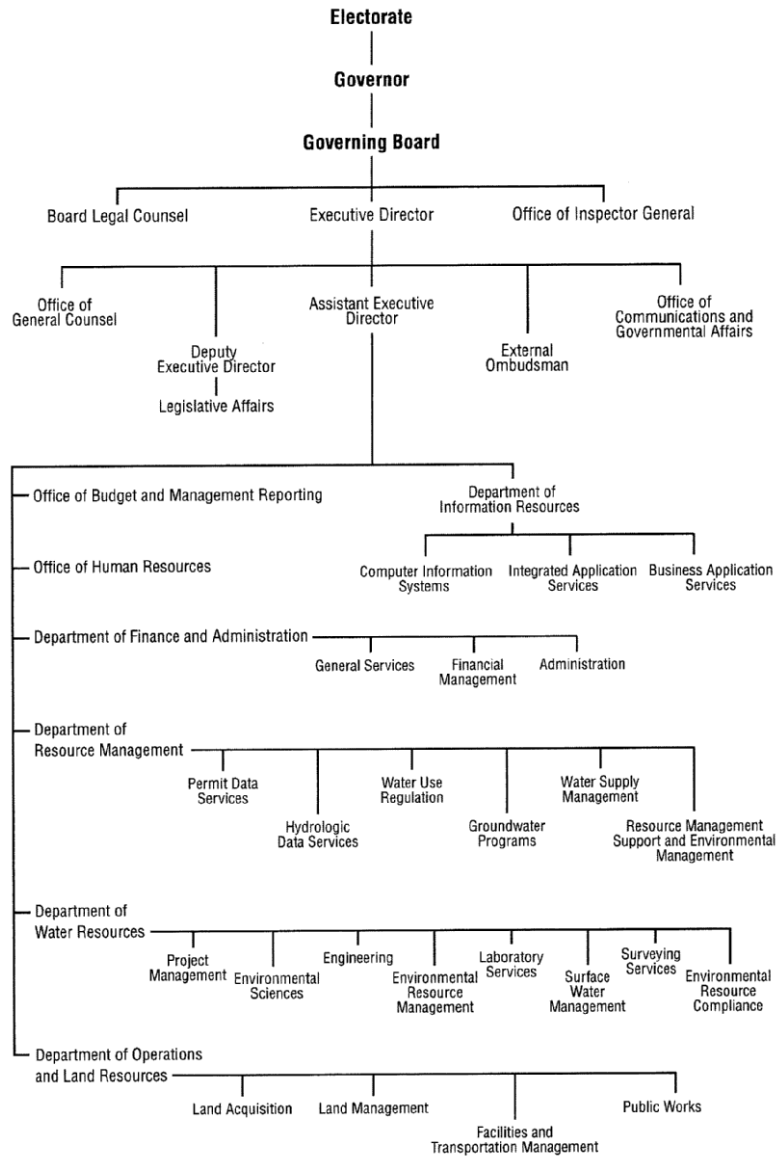
## SUWANNEE RIVER WATER MANAGEMENT DISTRICT

### Organizational Chart

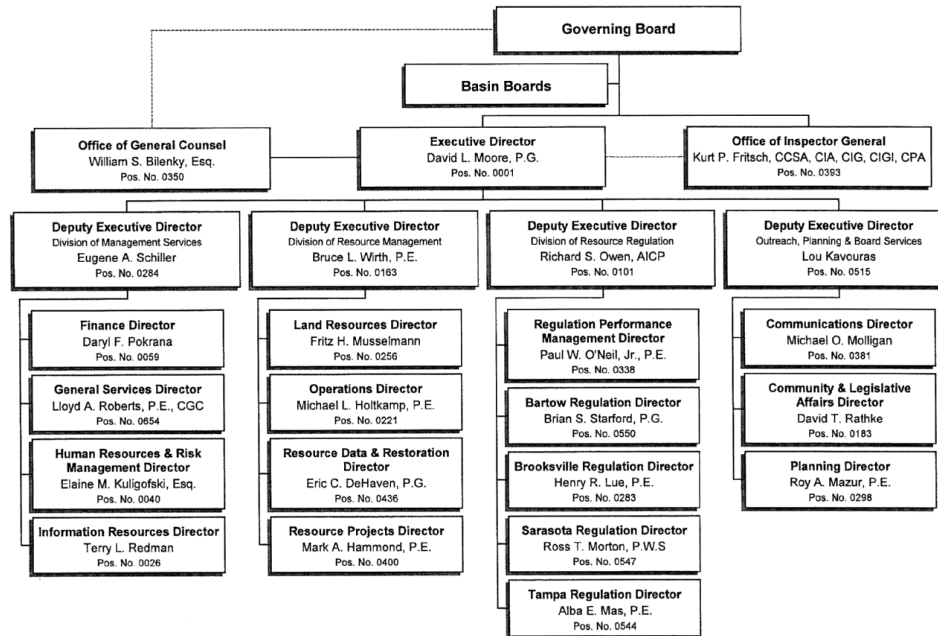




## St. Johns River Water Management District Organizational Chart



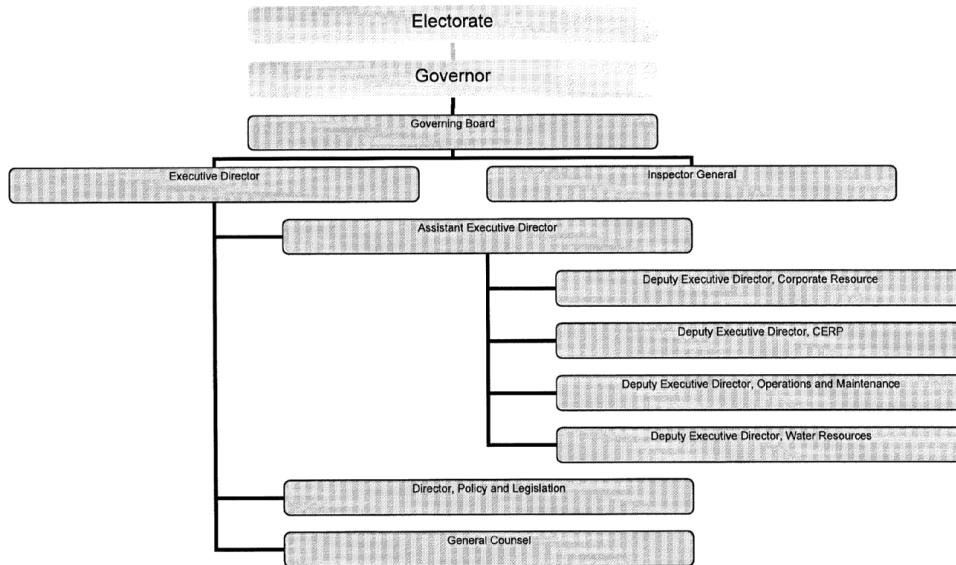
## Staff Organization



Effective: 12-24-2007



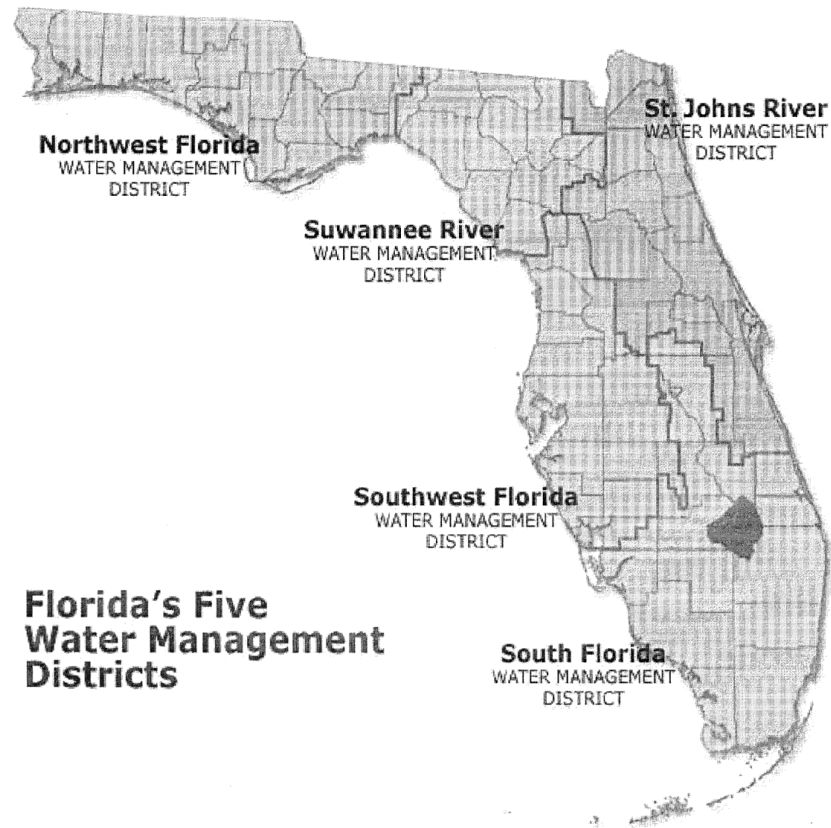
## SOUTH FLORIDA WATER MANAGEMENT DISTRICT WEST PALM BEACH, FLORIDA



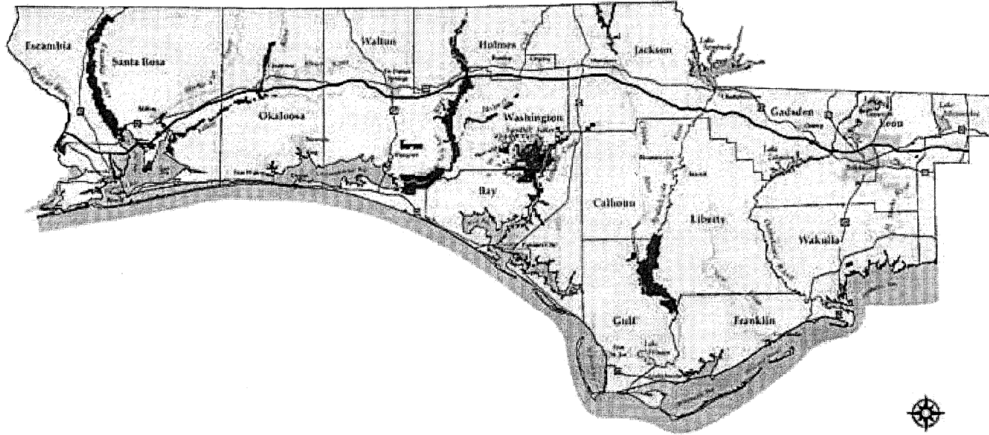
# APPENDIX

## C

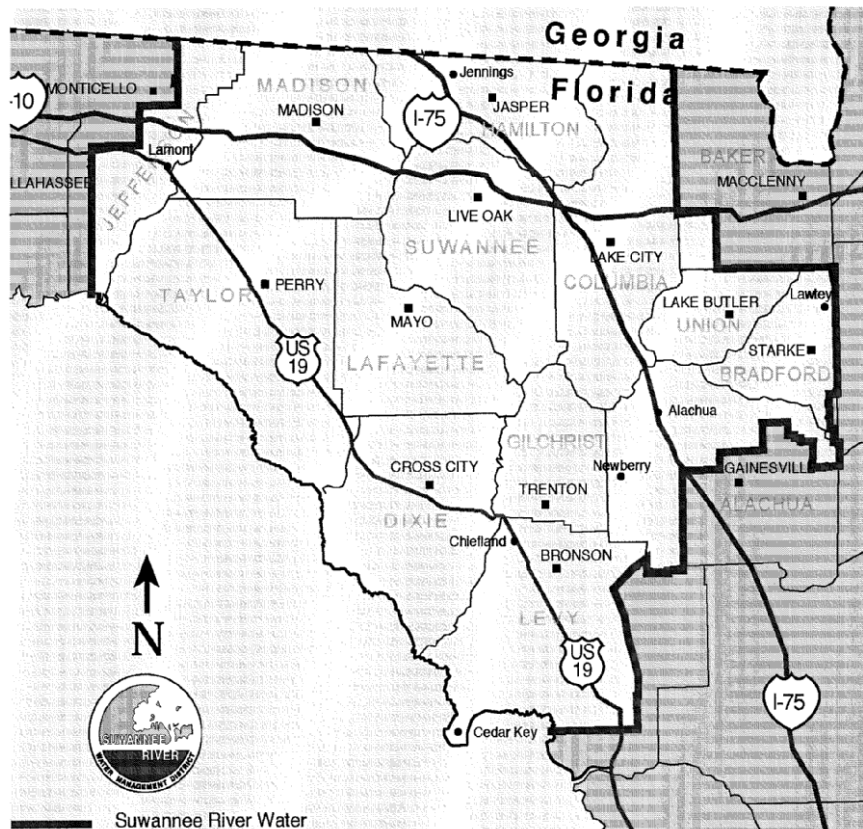
### DISTRICT AND BASIN MAPS



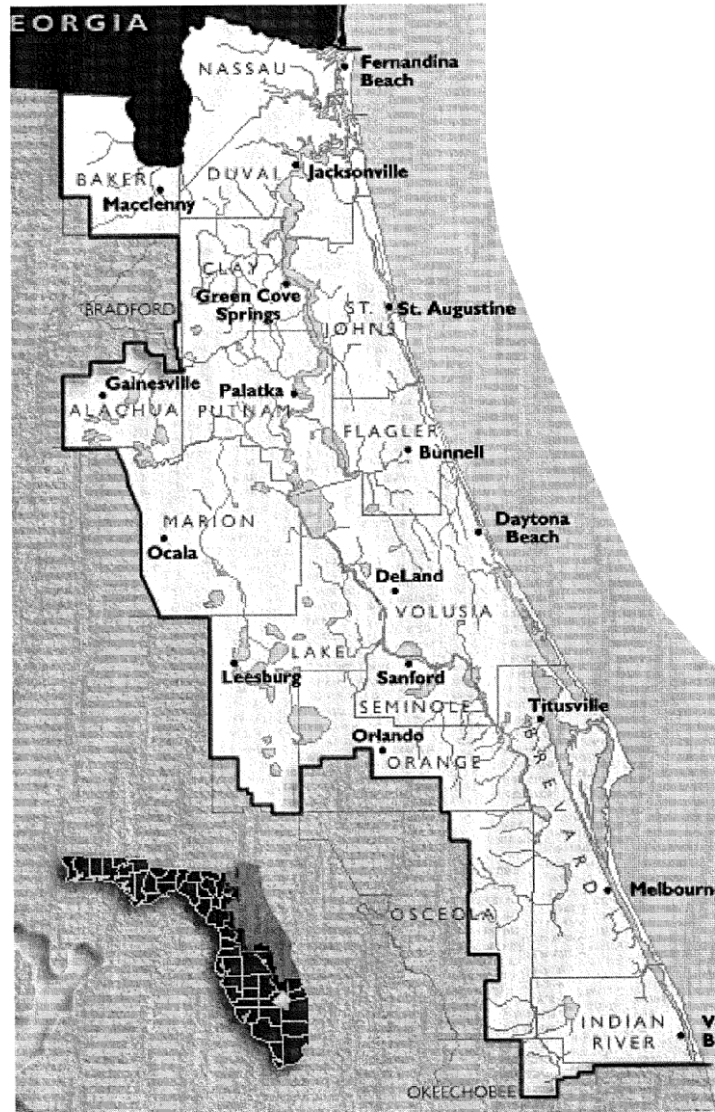
Northwest Florida Water Management District



## Suwannee River Water Management District

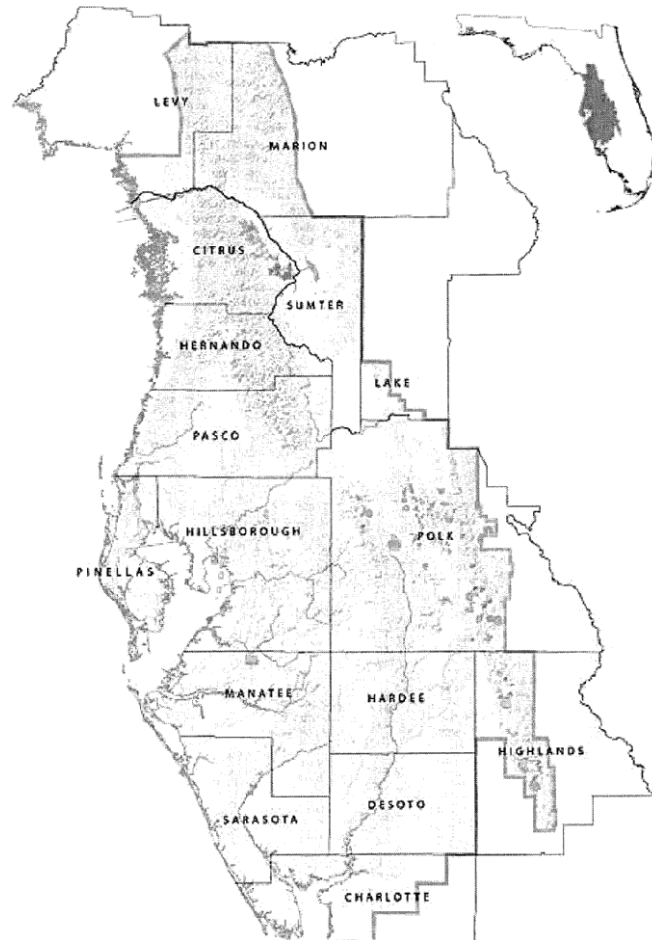


St. Johns River Water Management District



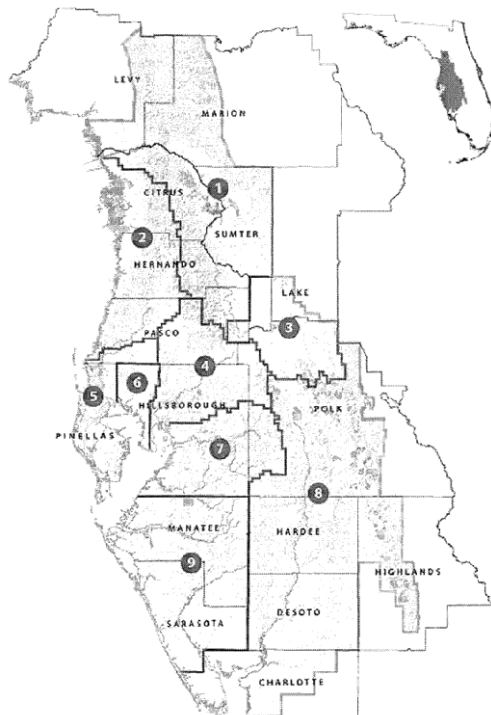


## Southwest Florida Water Management District



## Southwest Florida Water Management District

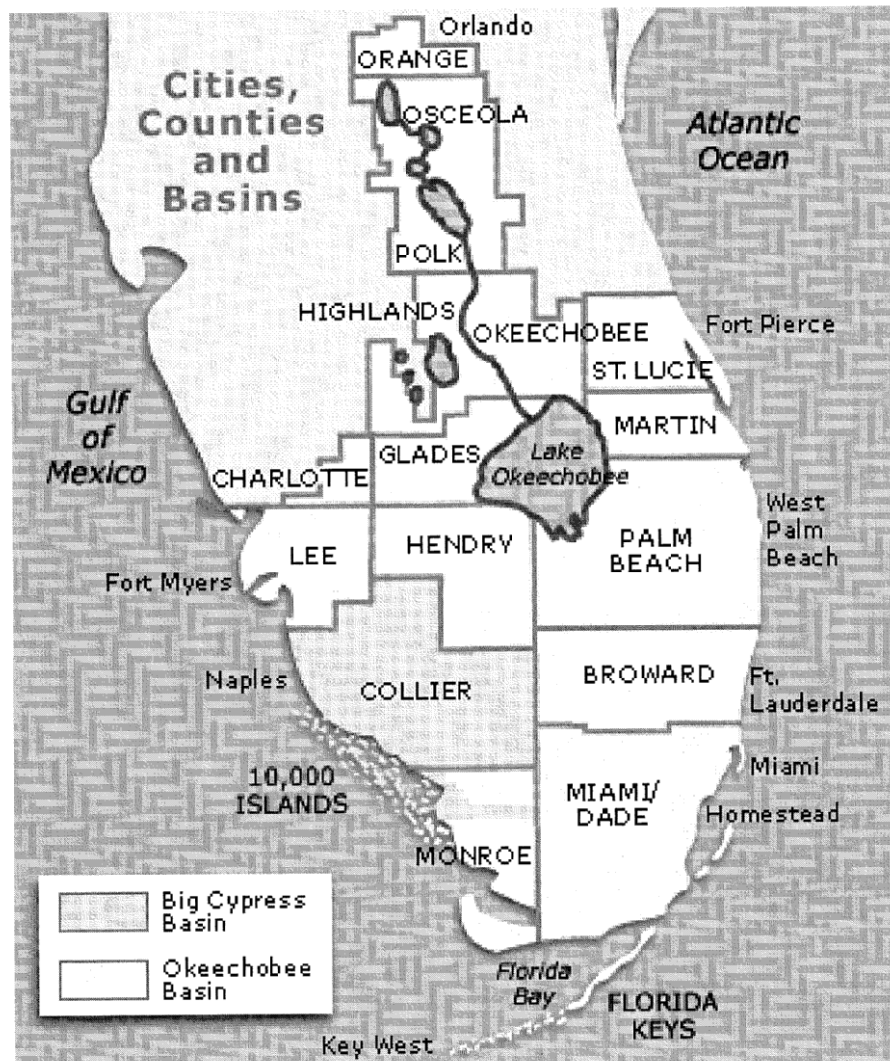
### Map of District Basins



**Legend**  
and basin map links:

- 1 Withlacoochee River
- 2 Coastal Rivers
- 3 Green Swamp
- 4 Hillsborough River
- 5 Pinellas-Anclote River
- 6 Northwest Hillsborough
- 7 Alafia River
- 8 Peace River
- 9 Manasota

## South Florida Water Management



# APPENDIX

## D

### DISTRICT POPULATION DATA AND WORKSHEET

	1980 Population	2007 Population	Percent of 1980 Population	Percent of 2007 Population	Projected Board Representation	Statutory Board Representation
Bay	97,740	167,631	11.9%	12.2%	1.10	
Calhoun	9,294	14,477	1.1%	1.1%	0.09	
Escambia	233,794	311,775	28.5%	22.7%	2.05	
Franklin	7,661	12,249	0.9%	0.9%	0.08	
Gadsden	41,674	49,398	5.1%	3.6%	0.32	
Gulf	10,658	16,815	1.3%	1.2%	0.11	
Holmes	14,723	19,464	1.8%	1.4%	0.13	
Jackson	39,154	50,416	4.8%	3.7%	0.33	
Leon	148,655	272,896	18.1%	19.9%	1.79	
Liberty	4,260	7,772	0.5%	0.6%	0.05	
Okaloosa	109,920	196,540	13.4%	14.3%	1.29	
Santa Rosa	55,988	142,144	6.8%	10.4%	0.93	
Wakulla	10,887	29,417	1.3%	2.1%	0.19	
Walton	21,300	57,093	2.6%	4.2%	0.37	
Washington	14,509	23,719	1.8%	1.7%	0.16	
DISTRICT POP.	820,217	1,371,806				
Bradford	20,023	29,055	11.4%	9.6%	0.86	
Columbia	35,399	65,373	20.1%	21.6%	1.94	
Dixie	7,751	15,808	4.4%	5.2%	0.47	
Gilchrist	5,767	17,106	3.3%	5.7%	0.51	
Hamilton	8,761	14,705	5.0%	4.9%	0.44	
Jefferson	10,703	14,494	6.1%	4.8%	0.43	
Lafayette	4,035	8,215	2.3%	2.7%	0.24	
Levy	19,870	40,045	11.3%	13.2%	1.19	
Madison	14,894	19,944	8.5%	6.6%	0.59	
Suwannee	22,287	39,608	12.6%	13.1%	1.18	
Taylor	16,532	22,516	9.4%	7.4%	0.67	
Union	10,166	15,722	5.8%	5.2%	0.47	
DISTRICT POP.	176,188	302,591				
Alachua	151,369	247,561	6.9%	5.3%	0.48	
Baker	15,289	25,623	0.7%	0.5%	0.05	
Brevard	272,959	552,109	12.4%	11.8%	1.06	
Clay	67,052	184,644	3.0%	3.9%	0.35	
Duval	571,003	897,597	25.8%	19.1%	1.72	
Flagler	10,913	93,568	0.5%	2.0%	0.18	
Indian River	59,896	139,757	2.7%	3.0%	0.27	
Lake	104,870	286,499	4.7%	6.1%	0.55	
Marion	122,488	325,023	5.5%	6.9%	0.62	
Nassau	32,894	69,569	1.5%	1.5%	0.13	
Putnam	50,549	74,799	2.3%	1.6%	0.14	
St. Johns	51,303	173,935	2.3%	3.7%	0.33	
Seminole	179,752	425,698	8.1%	9.1%	0.82	
Volusia	258,762	508,014	11.7%	10.8%	0.97	
Orange	235,433	552,802	10.7%	11.8%	1.06	
Osceola	24,644	133,062	1.1%	2.8%	0.26	
DISTRICT POP.	2,209,176	4,690,260				
Charlotte	58,460	164,584	2.3%	3.6%	0.47	0.50
Citrus	54,703	140,124	2.2%	3.1%	0.40	0.50
DeSoto	19,039	33,983	0.8%	0.7%	0.10	0.33
Hardee	20,357	27,520	0.8%	0.6%	0.08	0.33
Hernando	44,469	162,193	1.8%	3.6%	0.46	0.50
Hillsborough	646,939	1,192,861	25.9%	26.2%	3.41	2.50
Manatee	148,445	315,890	5.9%	6.9%	0.90	1.00
Pasco	193,661	434,425	7.7%	9.5%	1.24	1.00
Pinellas	728,531	944,199	29.1%	20.7%	2.70	2.50
Polk	321,652	581,058	12.9%	12.8%	1.66	2.00
Sarasota	202,251	387,461	8.1%	8.5%	1.11	0.50
Sumter	24,272	89,771	1.0%	2.0%	0.26	0.50
Highlands	38,021	78,982	1.5%	1.7%	0.23	0.33
DISTRICT POP.	2,500,800	4,553,051				
Broward	1,018,257	1,765,707	25.2%	22.7%	2.05	1.33
Collier	85,971	333,858	2.1%	4.3%	0.39	0.46
Glades	5,992	11,055	0.1%	0.1%	0.01	0.46
Hendry	18,599	39,651	0.5%	0.5%	0.05	0.46
Lee	205,266	615,741	5.1%	7.9%	0.71	0.46
Martin	64,014	143,737	1.6%	1.9%	0.17	0.33
Miami-Dade	1,625,509	2,462,292	40.2%	31.7%	2.85	2.33
Monroe	63,188	78,987	1.6%	1.0%	0.09	0.33
Okeechobee	20,264	39,030	0.5%	0.5%	0.05	0.33
Palm Beach	576,758	1,295,033	14.3%	16.7%	1.50	1.33
St. Lucie	87,182	271,961	2.2%	3.5%	0.32	0.33
Highlands	9,505	19,745	0.2%	0.3%	0.02	0.33
Orange	235,433	552,802	5.8%	7.1%	0.64	0.33
Osceola	24,644	133,062	0.6%	1.7%	0.15	0.33
DISTRICT POP.	4,040,582	7,762,661				

# APPENDIX

## E

# GLOSSARY

## **GLOSSARY OF TERMS**

**Acceler8:** Part of the CERP, Acceler8 accelerates eight restoration projects through the South Florida's issuance of "Certificates of Participation" bond revenue for construction finance.

**Ad valorem:** Is a tax imposed on the value of real and personal property as certified by the property appraiser in each county.

**Alternative water supply:** means salt water; brackish surface and groundwater; surface water captured predominately during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater, water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses, the downstream augmentation of water bodies with reclaimed water; stormwater; and any other water supply source that is designated as nontraditional for a water supply planning region in the applicable regional water supply plan.

**Aquifer Storage and Recovery (ASR):** Is the practice of storing water in aquifers in times of abundant rainfall and withdrawing it to meet emergency or long-term water demands.

**Areas of responsibility:** Are the four areas of responsibility, which must be addressed by each water management district's District Water Management Plan water supply, water quality, flood protection, and natural systems.

**Artesian Well and Abandoned Artesian Well (s. 373.203):** An artesian well is an artificial hole in the ground from which water supplies may be obtained and which penetrates any water-bearing rock, the in which is raised to the surface by natural flow, or which rises to an elevation above the top of the water-bearing bed. Artesian wells are defined further to include all holes, drilled as a source of water, that penetrate any water-bearing beds that are a part of the artesian water system of Florida. An abandoned artesian well is defined as an artesian well: that does not have a properly functioning valve; use of which has been permanently discontinued; does not meet current well construction standards; and is discharging water containing greater than 500 milligrams per liter of chlorides into a drinking water aquifer; is in a state of disrepair such that it cannot be used for its intended purpose; and does not have proper flow control devices.

**Basin:** A hydrologic unit containing one large aquifer or several connecting and interconnecting aquifers. Also, a tract of land drained by a surface water body or its tributaries.

**Best Management Practices (BMP):** Best Management Practices are the best available techniques or processes that reduce pollutant loading from land use or industry, or the optimize water use.

**Capital projects:** Means those activities relating to the acquisition, restoration, public access, and recreational uses of such lands, water areas, and related resources deemed necessary to accomplish the purposes for which the land was acquired. Eligible activities include, but are not limited to: the initial removal of invasive plants; the construction, improvement, enlargement or extension of facilities', signs, firelanes, access roads, and trails; or any other activities that serve to restore, conserve, protect, or provide public access, recreational opportunities, or necessary service for land or water areas.

**Carryover Encumbrances:** Are defined as estimated commitments for long-term capital and cooperative projects that are outstanding at the start of the fiscal year.

**Central and Southern Florida Project Comprehensive Review Study (C&SF Restudy):** A five-year study that looked at modifying the current C&SF Project to restore the greater Everglades and south Florida ecosystem, while providing for other water-related needs of the region. This study leads to the CERP Plan.

**Central and Southern Florida Flood Control Project (C&SF Project):** A complete system of canals, storage areas and water control structures spanning the area from Lake Okeechobee to both the east and west coast and from Orlando south to the Everglades. It was designed and constructed during the 1950s by the U.S. Army Corps of Engineers (ACOE) to provide flood control and improve navigation and recreation.

**Comprehensive Everglades Restoration Plan (CERP):** The framework and guide for the restoration, protection and preservation of the south Florida ecosystem. The CERP also provides for water-related needs of the region, such as water supply and flood protection.

**Conservation and Recreation Lands Trust Fund:**

*Revenue Source:* For FY 2007-08, 3.96 percent and beginning July 1, 2008, 3.52 percent of documentary stamp taxes; the first \$10 million collected annually from the severance tax on phosphate rock; proceeds of surplus land sales, and interest earnings on the investment of idle cash. For FY 2007-08, 10.05 percent and beginning July 1, 2008, 11.15 percent of these documentary stamp tax revenues go to the Fish and Wildlife Conservation Commission State Game TF for land management.

*Purpose of Fund:* To provide for public ownership of natural areas for the purpose of maintaining unique natural resources; protecting air, land, and water quality; promoting water resource development; promoting restoration activities on public lands; and providing lands for natural resource based recreation. 1.5 percent of cumulative funds ever deposited in P2000 TF and the Florida Forever TF shall be made available in the CARL TF for the purpose of management, maintenance, and capital improvements for lands acquired pursuant to s. 259.032(11), F.S. Up to one-fifth of the funds are reserved for interim management of acquisitions and for associated contractual services. Payments in lieu of taxes to qualifying counties and local governments for all actual tax losses incurred as a result of Board of Trustees acquisitions. Management of lands and related costs, activities, and functions.

**Consumptive Use Permitting (CUP):** A permitting program that regulates groundwater and surface water withdrawals by major users, such as water utilities, agricultural concerns, nurseries, golf course, mining and other industrial users.

**District(s):** One of Florida's five statutorily defined water management districts.

**Documentary Tax Stamp:** The documentary tax stamp is an excise tax levied on mortgages recorded in Florida, real property interests, original issues of stock, bonds and debt issuances in Florida, and promissory notes or other written obligations to pay money.



**Ecosystem Management and Restoration Trust Fund:**

*Revenue Source:* Funds received as a result of actions against any person for a violation of ch. 373, F.S., for injury to or destruction of coral reefs, from other sources specified by law, transfers from documentary stamp taxes for beaches, transfers from 2 percent sales tax collection and interest earnings on the investment of idle cash.

*Purpose of Fund:* To fund the detailed planning and implementation of programs for the management and restoration of ecosystems. Funding the development and implementation of surface water improvement and management plans and programs under ss. 373.451-373.4595, F.S. Fund activities to restore polluted areas of the state to their condition before pollution occurred or otherwise enhance pollution-control activities. Fund activities to restore or rehabilitate injured or destroyed coral reefs. Funding activities by the department to recover moneys as a result of actions against any person for a violation of ch. 373, F.S. Fund activities to address erosion control, beach preservation, beach restoration and beach nourishment.

**E-Permitting:** An on-line alternative to permit application submission, queries and reporting.

**Environmental Resource Permit (ERP):** A permit issued by the districts under authority of Chapter 40E-4, F.A.C., to ensure that land development projects do not cause adverse environmental, water quality and water quantity impacts.

**Everglades Forever Act:** Means the programmatic management of the Long Term Plan to Achieve Water Quality Goals in the Everglades and enhancing and optimizing the performance of the Stormwater Treatment Areas as required by the 1994 Florida Legislature.

**Florida Administrative Weekly (F.A.W.):** Is the official state document for meeting the public notice requirements for rule actions and public meetings.

**Florida Bay Program:** Means the state/federal partnership to improve environmental management in order to restore the bay toward a more natural state. A collaborative interagency research program was initiated in 1994 in order to document the history of the bay, monitor status and trends, understand human impacts on the bay and provide a scientific basis for restoration. With partners from other state and federal agencies and the academic community, the South Florida district has initiated a comprehensive investigation of the bay and its upstream watershed to better understand the ecological consequences of alternative water management actions.

**Florida Forever Trust Fund:**

*Revenue Source:* Bond proceeds, interest earnings on the investment of idle cash.

*Purpose of Fund:* Purchases of lands and interest in lands of the type acquired through the P2000 program, but focus on acquiring parcels to facilitate ecosystem management, water resource development, water supply development, the implementation of surface water improvement and management plans, and the provision of green space and recreation opportunities.

**Interagency expenditures:** Are those funds used to assist other local agencies, regional agencies, the state of Florida, the federal government, public and private universities, and not-for-profit organizations in projects that have a public purpose.

**Kissimmee River Restoration Project:** Means the joint partnership between the South Florida district and the Army Corps of Engineers for a project authorized by Congress in 1992. The project will restore over 40 square miles of river/floodplain ecosystem including 43 miles of meandering river channel and 27,000 acres of wetlands.

**Lake Okeechobee Protection Trust Fund:**

*Revenue Source:* Funds as appropriated by the Legislature and as provided for by general law and interest earnings on the investment of idle cash.

*Purpose of Fund:* To restore and protect Lake Okeechobee and downstream receiving waters.

**Land Acquisition Trust Fund:**

*Revenue Source:* Documentary stamp taxes (capped at \$110.9 million in FY 2007-08), annual transfer from the CARL TF for the payment of debt service on CARL bonds, sale of surplus land, donations, fees, charges and other moneys as authorized by appropriate act of the Legislature and interest earnings on the investment of idle cash.

*Purpose of Fund:* To facilitate and expedite the acquisition of land, water areas, and related resources required to accomplish the purpose stated in the Outdoor Recreation and Conservation Act. Moneys not pledged for rentals or debt services as required by s. 375.041, F.S., may be expended to acquire land, water areas, and related resources and to construct, improve, enlarge, extend, operate and maintain capital improvements and facilities in accordance with the plan.

**Local Sources:** Are those funds from various cooperating entities that assist the districts with numerous types of projects.

**Millage rate:** Is the tax rate on real property, based on \$1 per \$1,000 of assessed property value.

**Northern Everglades and Estuaries Protection Program:** Means the implementation of watershed protection plans required by the passage of Northern Everglades and Estuaries Protection Act by the Florida Legislature in 2007. This legislation expanded the Lake Okeechobee Protection Act to strengthen protection for the Northern Everglades by restoring and preserving the Lake Okeechobee watershed and the Caloosahatchee and St. Lucie estuaries.

**Operating Capital Outlay:** Are payments for automotive equipment, boats, computer hardware, furniture and equipment.

**Operating Expenses:** Are those costs for items to be used as part of something else or disposed of within a year of purchase, including parts and supplies, small tools or equipment, and construction and maintenance products; and all costs associated with rental or lease of equipment, buildings, offices, insurance programs, permits and fees paid to other agencies, taxes, and relocation.

**Other Personal Services:** Are services rendered by a person whom is not a regular or full-time employee.

**Reserves:** Are those funds used to fund long-term capital and cooperative funding projects, used to support debt service commitments, and to provide for an economic stabilization fund.

**Save Our Everglades Trust Fund:**

*Revenue Source:* Funds from the P2000 TF in excess of remaining appropriation balances at June 30, 2000, for FY 2001-02, \$75 million; for FY 2002-03, \$100 million from bond reserve accounts, and for FY 2003-04, \$100 million from bond reserve accounts; transfers from the General Revenue Fund; transfers from the Florida Forever TF FY 2000-01 and FY 2001-02 only; Federal funds appropriated by Congress; any additional funds appropriated by the Legislature and gifts designated for implementation of the comprehensive plan; FY 2005-06 through FY 2009-10 proceeds from the sale of Everglades Restoration Bonds not exceeding \$125 million per fiscal year; funds for payment of debt service for Everglades restoration bonds; and interest earnings on the investment of idle cash.

*Purpose of Fund:* To implement the comprehensive plan as defined in s. 373.347(2)(a), F.S., serve as a repository for state, local and federal project contributions in accordance with s. 373.470(4), F.S.

**Total Maximum Daily Load (TMDL):** Is a number that represents the capacity of a surface water body or water body segment to assimilate a specific pollutant or pollutants while still meeting water quality standards.

**Water Management Lands Trust Fund:**

*Revenue Source:* 4.20 percent of documentary stamp taxes (capped at \$60.5 million in FY 2007-08), interest earnings on the investment of idle cash, and transfers of penalty assessment revenues collected by the water management districts.

*Purpose of Fund:* To provide funds for the department's cost of administration of the fund and to the five water management districts for the purpose of land acquisition, management, maintenance, capital improvements, and administration of purchased lands.

**Water Protection and Sustainability Program Trust Fund:**

*Revenue Source:* \$80 million from documentary stamp taxes and interest earnings on the investment of idle cash.

*Purpose of Fund:* To provide funding assistance to the water management districts for the implementation of alternative water supply programs as provided in s. 373.1961, F.S. To provide funding for the implementation of best management practices and capital project expenditures necessary for the implementation of the goals of the TMDL program associated with agricultural and nonagricultural nonpoint sources. To provide funding for surface water restoration activities in water management district designated priority water bodies. To provide funding for the Disadvantaged Small Community Wastewater Grant Program as provided in s. 403.1838, F.S.

**Water resource development:** Section 373.019(22), F.S., defines this to mean the formulation and implementation of regional water resource management strategies, including the collection and evaluation of surface water and groundwater data; structural and nonstructural programs to protect and manage water resources; the development of regional water resource implementation programs; the construction, operation, and maintenance of major public work facilities to provide for flood control, surface and underground water storage, and groundwater recharge augmentation; and related technical assistance to local governments and to government-owned and privately owned water utilities.

**Water supply development:** As defined by ss. 373.019(21), F.S., the term means the planning, design, construction, operation and maintenance of public or private facilities for water collection, production, treatment, transmission or distribution for sale, resale or end use.

**Xeriscape:** Pursuant to s. 373.185, F.S., the term means quality landscapes that conserve water and protect the environment and are adaptable to local conditions and which are drought tolerant. The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.